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The Planning Act Review Committee



Ontario

Background Paper 1

Planning Issues: The Public Consultation Program

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Background paper 1:
Planning Issues: The Public Consultation Program \$3.50

Background paper 2:
Operation of Municipal Planning \$1.00

Background paper 3:
Municipal Planning and the Natural Environment. \$1.25

Background paper 4:
Citizen Participation in the Preparation of Municipal Plans \$1.00

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Planning for Small Communities \$.50

A Detailed Guide to the existing Planning Act \$1.25

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The Planning Act Review Committee

Planning Issues: The Public Consultation Program

by Karen Bricker (research associate)

Based on research by John Carson,
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CONTENTS

	<u>PAGE</u>
INTRODUCTION	1
ORGANIZATION OF THE PROGRAM	2
RESULTS OF PUBLIC CONSULTATION	4
PURPOSE AND OBJECTIVES OF THE ONTARIO PLANNING SYSTEM	
ASSESSMENTS OF THE PRESENT PLANNING SYSTEM	7
OBJECTIVES FOR A REVISED PLANNING SYSTEM	8
THE LEGISLATIVE BASE: THE PLANNING ACT AND RELATED PLANNING LEGISLATION	
<u>THE PLANNING ACT</u>	13
Assessments of The Planning Act	13
1. Purpose of The Planning Act	
2. Negative Controls	
3. Social, Environmental and Economic Objectives	
4. Process and Procedures Under The Planning Act	
5. Need for Clarification of the Language	
6. Lack of Recognition of Different Planning Needs	
7. Conflicts with other Planning Legislation	
8. Revision of The Planning Act	
Land Ownership	22
Finance	23
Other Concerns	24

RELATED PLANNING LEGISLATION

25

1. The Municipal Act
2. Regional Municipalities Act
3. Assessment Act
4. Environmental Assessment Act
5. Conservation Authorities Act
6. Ontario Heritage Act
7. Pits and Quarries Control Act
8. Ontario Municipal Board Act
9. Niagara Escarpment Act
10. Other Legislation

PLANNING INSTRUMENTS AND PRACTICES

OFFICIAL PLANS

34

The Status of Official Plans

35

1. Mandatory Planning
2. Legal Status of Plans
3. Mandatory Review

Nature and Scope of Official Plans

41

Official Plan Preparation

50

Official Plan Approval

52

Official Plan Amendments

54

Interrelationship of Planning Authorities

55

1. Hierarchical Planning
2. Regional Planning
3. Inter-municipal Plans

Different Kinds of Plans	59
1. Secondary	
2. Other	
Official Plans and Other Instruments	62
1. Consents	
2. Development Control	
3. Acquisition of Parkland	
4. Zoning By-laws	
Public Participation in Official Plans	65
School Needs and Official Plans	66
Land Acquisition	67
<u>SUBDIVISION PLANS</u>	68
Matters to be Regarded	69
Land Dedication and Conveyance	70
Conditions and Agreements	73
Financial Issues	74
Subdivision Approvals	77
1. Process	
2. Authority	
Notice and Public Involvement	83
School Provisions	83
1. Role of School Boards	
2. Provision of Schools	
Mobile Home Parks	85
Condominiums	86
<u>CONSENTS FOR LAND SEVERANCE</u>	87
Legislative Concerns	87
Consent Policies	89
Sales, Conveyances	93

Utility Consents	94
Part-lot Control	94
Title	95
Lapsing of Consent	95
Fees	96
Conditions and Agreements	96
Approval Procedures	97
1. Notification	
2. Hearing	
3. Appeals	
4. Mail Problems	
5. Issuance of Certificate	
<u>ZONING BY-LAWS</u>	101
1. Adaptability	
2. Purposes	
3. Scope	
4. Zoning Practices	
Notification	108
Public Hearing	109
Approval	110
Appeals	112
Relationship to Official Plans	113
Fees	113
Enforcement	114
Zoning and Schools	114
Non-Conforming Use	115
Minor Variances	116

<u>DEVELOPMENT CONTROL</u>	119
1. Improved Procedures with Rezoning	
2. New Approaches	
Site Plan Control	123
1. Adequacy of Site Plan By-laws	
2. Scope of the By-laws	
3. Site Plan Agreements	
4. Site Plan Amendments	
<u>BY-LAWS PERTAINING TO BUILT STRUCTURES</u>	131
Maintenance and Occupancy Standards	131
Demolition Control	131
Building By-laws	132
<u>URBAN RENEWAL</u>	133
Aims and Objectives	133
Requirements	135
 <u>ORGANIZATION FOR PLANNING</u>	
Allocation of Responsibilities	136
Two-Tier Systems	138
Delegation of Planning Responsibility	140
1. Regional Municipalities	
2. Local Municipalities	
Local Planning Boards	144
1. Board or Committee	
2. Membership	
3. Responsibilities	
4. Joint Planning Boards	
5. Financial Arrangements	
6. Relationship of Board to other Agencies	

Land Division Committees	152
1. Adequacy of Committee System	
2. Authority for Consents and Variances	
3. Creation and Dissolution of Committees	
4. Membership of Committees	
5. Duties of Committees	
Land Division Committees	162
Committees of Adjustment	163
Special Purpose Government Bodies	163
1. School Boards	
2. Conservation Authorities	
Planners	166
 PROVINCIAL ACTIVITIES AFFECTING MUNICIPAL PLANNING	
PROVINCIAL CONTEXT FOR PLANNING	169
1. Scope of Provincial Planning Authority	
2. Need for Provincial Plan	
3. Provincial Policies Governing Municipal Finance	
4. Lack of Co-ordination among Provincial Ministries	
5. Provincial Treatment of Municipalities and Private Landowners	
<u>ADVISORY FUNCTION: THE MINISTRY OF HOUSING</u>	177
Advisory and Information Services	178
a) Operation of the Plan	
b) Content of Municipal Planning Documents	
c) Data Requirements and Information Retrieval Mechanisms	
<u>REVIEW AND APPROVAL PROCESS</u>	182

The Role of the Ontario Municipal Board	185
1. Purpose	
2. Composition	
3. Powers	
4. Procedures	
5. Conduct of Hearings	
6. Appeal from O.M.B. Decisions	

SPECIAL ISSUES

<u>PLANNING AREAS</u>	199
<u>RURAL AREAS</u>	199
1. Municipal Planning Instruments	200
2. Municipal Planning Organizations	202
3. Incompatible Uses	203
4. Rural Planning Policies	204
<u>SMALL COMMUNITIES</u>	208
<u>RESORT AND OUTDOOR RECREATION AREAS</u>	209
<u>NORTHERN AND EASTERN SECTORS</u>	211
<u>UNORGANIZED TERRITORIES</u>	211
<u>FEDERAL ACTIVITIES</u>	213

SOCIAL, ENVIRONMENTAL AND ECONOMIC FACTORS IN THE PLANNING SYSTEM

Social Concerns	214
Environmental Concerns	217
Economic Concerns	219

PUBLIC PARTICIPATION

Need for Public Participation	221
Formal Requirements for Public Participation	222

When to Involve Public	224
Approaches to Public Participation	225
1. Education and Information Dissemination	
2. Public Meetings	
3. Involvement at Neighborhood Level	
4. Liaison with Planning Staff	
5. Involve the Voluntary Sector	
6. Preserve or Strengthen the Right to Appeal	
7. Other Approaches	

THE PLANNING ACT REVIEW COMMITTEE

PUBLIC CONSULTATION PROGRAM

ORGANIZATION OF THE PROGRAM

The public consultation program of the Planning Act Review was designed to secure access to the experience and opinions of the variety of interest groups and organizations involved one way or another with the municipal planning process. To do this, a selective but broad-based approach was used by the Committee in an attempt to secure representative coverage of the concerns held by participants in the municipal planning system, and their views concerning desirable changes in the system.

The Committee's first initiative was an extensive invitation for the submission of briefs. All municipalities in the Province, planning boards, Conservation Authorities, miscellaneous special purpose bodies and universities were requested to submit their views.¹ The invitation for written briefs was later extended to all persons and groups attending the Committee's public meetings.

The second major undertaking of the public consultation program was a series of Province-wide meetings held by the Planning Act Review Committee with representatives of municipal bodies and various interest groups. In the first series of meetings, the following interest groups were consulted: developers and realtors, professional planners, planning related professionals (lawyers, architects, engineers, land surveyors, land economists), and rural interests. Introductory organizational meetings were held in Toronto with each group at which the Review program was described and the groups were asked to select from their own membership a representation to attend the subsequent Province-wide meetings. Each organization involved was contacted in every location where the Committee would be holding meetings, and arrangements made for attendance at the meetings. An

1. See Appendix 1 for Request for Briefs.

Information Sheet and Issue Papers, describing the framework of the Review, were prepared by the Committee and distributed to each group before the meetings were held.² A total of 39 meetings was held, attended by about 500 persons. Meetings were held in the following places.³

Development Industry & Real Estate Interests

Planning Related Professions

Toronto	Ottawa
London	Kingston
Windsor	Sudbury
Hamilton	Thunder Bay

Agricultural and Rural Interests

Wingham	Caledonia
Ridgetown	Kemptville
Shelburne	Napanee

Unincorporated Settlements (Northern Ontario)

Sudbury	Thunder Bay
---------	-------------

Canadian Institute of Planners

Ottawa	Sudbury	Woodstock
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The Committee then held a second series of meetings with municipal bodies throughout Ontario. These meetings were attended by elected officials, staff, and members of appointed boards and committees. In most places, a discussion meeting was held with appointed staff representatives, and a separate meeting with elected and appointed representatives to hear and discuss written and oral briefs. Meetings were held in the following places, and municipal representatives

2. See Appendix 2 and Appendix 3.

3. See Appendix 4 for list of groups attending meetings.

were requested in advance to attend the meeting in the location most suitable for their purpose.⁴

Toronto	Ottawa
London	Sudbury
Windsor	Sault Ste. Marie
Hamilton	Thunder Bay
Owen Sound	Kingston
Bracebridge	Peterborough

A summary of the municipal bodies represented follows:

Municipalities

Metropolitan, Regional & District	11
Counties	14
Cities and Boroughs	30
Towns	36
Villages	23
Townships	106
Improvement Districts	<u>1</u>
	<u>221</u>

Other Municipal Bodies

Planning Boards	54
Land Division Committees	11
Committees of Adjustment	31
Boards of Education	26
Separate School Boards	<u>13</u>
	<u>135</u>

TOTAL 356

To secure the view of the general public, arrangements were made with the Community Planning Association of Canada, with financial assistance from the Committee, to hold a series of public meetings in different localities. Fifteen "citizen workshops" were held in municipal centres across the Province, with a total attendance of about 450 persons.⁵ The meetings were chaired by board members of CPAC. Local volunteer co-ordinators were recruited in each of the 15 municipalities, who in turn contacted representatives of citizen

4. See Appendix 5 for Notice of Meetings and Appendix 6 for attendance.

5. For locations and attendance at CPAC Workshops, see Appendix 7.

groups and other local community groups. The meetings were advertised in the press and on TV and radio, wherever possible. In addition, a special CPAC newsletter notified members of the workshops, and a similar announcement was sent out to the members of the Canadian Environmental Law Association, the Architectural Conservancy of Ontario, the Conservation Council and the Ontario Welfare Council. Information material prepared by the Committee, including an information sheet on the Review, a Summary of The Planning Act, and the Committee's Issue Papers, were distributed. Following the CPAC workshops, a report was prepared by CPAC on the results of their meetings.⁶

The Planning Act Review Committee also held a number of special meetings with particular bodies and groups not involved in the general public consultation program. These included The Ontario Municipal Board; County Restructuring Studies; Review Commissions on Metropolitan Toronto and Regional Niagara; Mineral Aggregate Working Party; Foundation for Aggregate Studies; the Ontario Association for the Mentally Retarded; the Niagara Escarpment Commission; and the Association of Counties and Regions of Ontario.

RESULTS OF PUBLIC CONSULTATION

Altogether, the Planning Act Review Committee held over 75 meetings with municipal bodies and various interest groups. Over 350 municipal bodies were represented at these meetings, and the total attendance at the various meetings was about 1400 persons (excluding the attendance at the CPAC workshops). The Committee also received a total of more than 300 written briefs and submissions, as follows:⁷

Regional & District Municipalities	8
Counties	7
Local Municipalities	70
Planning Boards	21
Joint Planning Boards	10
Land Division Committees	9
Committees of Adjustment	16
Conservation Authorities	13
School Boards	48

6. A Summary Report of the CPAC workshops is contained in Appendix 8.

7. See Appendix 9 for list of written briefs and submissions.

Development/Real Estate	11
Professions	38
Rural Interests	12
Municipal Associations	6
Miscellaneous Associations	12
Academic Institutes	4
Members of Legislative Assembly	2
Individuals	<u>22</u>
	<u>309</u>

The detailed records of the Committee's meetings and the Committee's analysis of the written submissions comprise a major part of the substantive base for the Planning Act Review. Each problem and concern which was expressed and each recommendation which was made was documented and reviewed. A summary of this material, which originates from both the written submissions and the meeting records, is presented in the sections which follow.

The material is organized in the following categories:

- Purpose and Objectives of the Municipal Planning System
- Legislative Base of Municipal Planning
- Instruments and Practices
- Municipal Organization for Planning
- Provincial Activities Affecting Municipalities
- Special Issues (including rural areas, small communities, unorganized territories, etc.)
- Social, Environmental and Economic Content of Municipal Planning
- Public Participation in Municipal Planning

Because this description of the response to the public consultation program is presented in summary form, and because of the volume of material involved, it is likely that some of the points which were made have been unintentionally omitted. In particular, those comments which were made concerning measures that are already provided for in existing legislation have not been included in this report. It is the Committee's belief that the great bulk of opinions concerning

municipal planning, and particularly the wide diversity of views on almost every specific topic, are dealt with in this report. The Committee believes that it has been able to assess the positions which are held by most of the general and specific interest groups involved in municipal planning, and this material has contributed significantly to the formulation of the Committee's findings and recommendations.

PURPOSE AND OBJECTIVES OF THE ONTARIO PLANNING SYSTEM

ASSESSMENTS OF THE PRESENT PLANNING SYSTEM

Assessments of the operation of Ontario's planning system vary considerably, with opinions ranging from general satisfaction, with minor qualifications, to the statement that "the planning system operates as a nightmare". In a similar vein, recommendations for changing the system range from minor adjustments in the wording of The Planning Act or in the powers granted to participating agencies, to a complete rethinking of the purpose, nature and function of planning and the means to achieve it.

General criticisms of the way the planning system has been operating can be summarized as follows:

- 1) The present system is complex and confusing. The growing number of rules and procedures, as well as the increasing number of local and Provincial agencies involved in municipal planning or in activities which affect planning, make the process increasingly incomprehensible and less accessible to most citizens and even to many local officials. It is often difficult to determine where decision-making responsibilities lie. Related planning activities (e.g., land use and social services) are poorly integrated, and sometimes operate within different geographic boundaries. There is insufficient expertise available to administer the system.
- 2) The present system is characterized by uncertainty and inconsistency, as a result of frequent changes in Provincial and municipal priorities, policies, procedures and regulations. Provincial and municipal policy matters often seem to be decided on an ad hoc basis, with the reasons never made public. There is no standardized system

for dealing with planning matters. The system depends for its success on the abilities of individual administrators and on the capability of the local elected officials to comprehend the problems.

- 3) In the present system, there is too little public accountability by those making planning decisions, be they elected, appointed or employed.
- 4) The present system is too time-consuming. Procedures take too long, there is too much paperwork involved, and too much duplication of effort.
- 5) The present system emphasizes negative controls rather than offering positive measures to achieve Provincial and municipal objectives.
- 6) The present system is too restricted in scope, being limited to matters of municipal development and land use. It is also too concerned with detail, and not enough with policy formulation.
- 7) The present system fails to ensure that planning objectives are or can be implemented. In the absence of incentives or requirements for implementation, planning proposals are often impractical, and bear no relation to the costs of achieving them.
- 8) The present planning system has eroded local autonomy.

OBJECTIVES FOR A REVISED PLANNING SYSTEM

Although there appears to be widespread endorsement of the need for revisions in the Ontario planning system, there is no unanimous agreement on the particular changes required. In fact, many briefs opposed major changes out of fear that such changes will only complicate the

system further. There is also a lack of consensus on the degree to which planning objectives can or should be specified in legislation. Some would like to see The Planning Act specify not only Provincial goals and objectives, but also the type of objectives which should be included in municipal plans as well. Others feel that the establishment of municipal objectives should be an integral part of the municipal planning process, and should reflect the nature, character and aspirations of the local community. Taken as a whole, the comments reveal a fundamental split between the desire for precise definition of planning objectives, and for flexibility to respond to particular conditions.

In defining or implying objectives for the municipal planning system, most submissions seemed to assume that the Province will continue to exert a strong influence on local planning, either by establishing the context in which planning occurs (in the form of statements of specific goals and priorities, planning guidelines, etc.) or by continued participation in day-to-day planning decisions. Comments also tended to be more concerned with stating objectives for the operation of the system rather than objectives of municipal planning per se. Both types of objectives appear in the summaries which follow.

- 1) Define the scope and purpose of planning. There is a need for a clear statement of the Province's general goals for long-term development, both as they are perceived by the Province and as they apply to municipal planning. Several submissions call for a broadening of the definition of municipal planning to encompass more than land use and physical development; to encompass such things as the management of change in the interests of future inhabitants, or "to maintain and enhance the quality of life of present and future generations".
- 2) Co-ordinate related planning activities. The many government agencies, special purpose bodies and individuals which carry out planning in Ontario municipal development should be made responsible

to a single authority which can oversee and integrate their activities in the interest of policy co-ordination and consistency. Co-ordination and control of interrelated programs might be achieved through budgetary control.

Submissions identify two main areas where co-ordination is needed: between the planning activities of different levels of government with similar responsibilities (e.g., regional and municipal); between the activities of government agencies performing different but related activities - e.g., land use planning and social services. In the latter instance, the boundaries of planning areas for different services should be clearly defined and made coterminous.

- 3) Define and clearly allocate the planning responsibilities of different levels of government. Related to the previous objective, this view maintains that each level of government should establish time-limited goal statements as well as processes and financing programs to achieve and evaluate these goals.
- 4) Encourage policy planning at the municipal level. Various submissions view municipal planning as an activity leading to policy statements which establish goals and priorities for the physical, social and economic development of the community. According to this view, planning activities include information gathering, identifying and assimilating various interests, specifying alternatives, and relating proposals to the municipal, fiscal and financial base.
- 5) Encourage municipalities to adopt and pursue specific and realistic planning objectives. Planning objectives should be related specifically to unambiguous information about existing land use, transportation, infrastructure, population characteristics, and so forth. Objectives should be limited to matters which are realistically within

the control, influence and financial capability of the municipality. There should be greater emphasis in municipal planning on ways to achieve positive objectives (e.g., increased supply of housing) than on the use of negative controls on new development. (Financial incentives might encourage a more positive approach). Planning documents should avoid fuzzy phrases and "motherhood" statements, and state the reasons underlying objectives.

- 6) Encourage planning flexibility. There should be more emphasis on experimentation and individualistic approaches to solving local problems. The system should change, which at the moment seems to mean a declining concern with growth and development and increased concern with community improvement and the quality of life. There is an awareness, however, that the goal of flexibility conflicts with the goal of building greater specificity and certainty into the system.
- 7) Reflect local needs and aspirations. Provincial plans and planning values should either be developed in consultation with municipalities or should be based directly on expressed municipal preferences. Municipalities should have the right to appeal Provincial planning decisions which are thought to be harmful to their interests.
- 8) Conserve agricultural land and other natural resources. (Mineral aggregate resources are mentioned most often). This objective is often linked to a variety of measures, some of them not directly related to municipal planning: e.g., introduce measures to achieve adequate farm returns and attract young farmers to the industry; divert urban growth away from prime agricultural land; minimize utility rights-of-way and centralize them in corridors.

Statements about land and resource conservation are frequently coupled with statements about the need to extend the length of the planning cycle to encompass the needs of future generations, and

the need to stage land development to ensure maximum benefits (e.g., development should occur only after mineral resources have been extracted).

- 9) Protect the private market and the rights of private property owners. The role of the private sector in the production of housing and in the marketing of land should be maintained (or strengthened). Governments should adopt the principle of just compensation for private lands designated for public purposes.
- 10) Facilitate public participation. Various submissions elaborate on this objective by calling for a maximum level of interaction between governments and citizens; equity of access to the planning process; open decision-making; accessibility and full disclosure of all relevant information; preservation of the provisions for judicial review and appeal.
- 11) Incorporate social needs and objectives. Some briefs argue that municipal planning must move beyond its traditional concern with physical and economical concerns to take account of social conditions and promote social goals. One writer cautions, however, that unless social goals are expressed in terms of specific physical activities which are capable of implementation, their achievement will be elusive, and they will give rise to still more arbitrary and unreasonable controls which further confuse and delay the process.

THE LEGISLATIVE BASE: THE PLANNING ACT AND RELATED PLANNING LEGISLATION

THE PLANNING ACT

Assessments of The Planning Act

Opinions varied widely on the adequacy of the existing Planning Act as the basic legislative framework for municipal planning. While some briefs criticized the Act on several points, other submissions feared a radical overhaul would lead to far worse circumstances. Criticisms of the Act focussed on the seven major issues:

- the vagueness of the intent of the legislation;
- the emphasis on negative controls;
- the absence of social, environmental and economic objectives;
- the inefficiency of the procedures;
- the lack of clarity on the language;
- the lack of recognition of varying planning needs;
- the conflicts with other planning legislation.

Many of these points were raised in the preceding section as characteristics of the planning system as a whole.

1. Purpose of The Planning Act

A number of briefs indicated concern about the lack of stated intent of The Planning Act. Comments on this topic were also related to definitions of the purpose of planning. These views are indicated as follows:

- The Act should be reassessed as to its intent and purpose in order to avoid patchwork amending.
- It is apparent that the question of what planning is and who planning is being done for is not answered in most current legislation.
- The comprehensiveness of planning needs to be defined, either in legislation or in supporting administration, not as an ideal, but to include a broad range of potential planning issues from which priorities and a strategy for action would be determined.

There was little agreement, however, on what the intent of the Act should be. Suggestions included:

- All municipal programs and policies should not be co-ordinated under the title of planning, thereby equating local government with planning.
- The Planning Act should provide tools for arranging land-use, controlling development, and participating in the provision of housing.
- The Act should deal with the function of planning and not confuse it with powers and arrangements to regulate physical development.
- The Act should:
 - a) contribute to achieving desirable communities;
 - b) set out a process that is appropriate to the circumstances that are being dealt with;
 - c) provide a clear and intelligible process and maximum certainty for all parties;
 - d) establish processes that are equitable to all parties and provide protection against abuses;
 - e) establish processes that are economical of time and cost;
 - f) acknowledge the importance of the role of private investment in the evolution of communities;
 - g) assist in the resolution of conflicts to allow desirable developments to proceed.

2. Negative Controls

In terms of the values promoted by the Act, there was general agreement that the overwhelming emphasis in the legislation is on constraint.

- All references in The Planning Act should refer to development management rather than to the implication of development control. The word control implies domination. Who are we trying to control and at whose expense is not clear.
- Although the Act was established so that municipalities and the Province might exercise broad programs for optimum resource allocation, the activity it has encouraged has been narrowed to an exclusive concern with development control.
- It is presently possible to interpret some provisions of The Planning Act as allowing a wide scope for planning, yet other provisions and the inclusion in the planning statute of the authority to impose various physical development controls, all tend to suggest a narrow scope for planning.

Recommendations to change the emphasis in the Act were primarily to promote a more positive approach:

- The Act should indicate that positive public planning is of primary importance and should provide the context for public regulatory measures and for supporting actions in the public sector.
- The Act should stress planning by incentive rather than by constraint only. This should include provision for land banking, Provincial financial support, and inducements to locate industrial and residential development on non-agricultural land.

3. Social, Environmental and Economic Objectives

A number of comments indicated the difficulty of achieving certain objectives under The Planning Act. Moreover, there was virtually

no guidance in the Act on municipal planning objectives and how they should be pursued. Several briefs indicated particular problems in securing environmental concerns and conservation authority objectives such as natural resource conservation, hazard land protection and open space. (See also Social, Environmental and Economic Factors in The Planning System.) Other comments about planning objectives included the following:

- The Planning Act fails to provide for meaningful social planning; for input from educators, social planning councils and interested citizen groups.
- Effective sequential controls on quarries and gravel pits and maintenance of forest cover and agriculture are difficult to achieve because they are not clearly considered land uses within the meaning of the Act.
- The Act should provide policies regarding various types of residential land including mobile homes, condominiums, etc.
- The Act ignores industrial and commercial development.
- There is little authority in the Act to empower municipalities to exert design quality control (e.g., over adverse micro-climatic conditions created by badly sited buildings).
- The Act should permit flexibility to obtain an optimum situation with regard to publicly or privately owned land for recreational activity, roads, etc.

4. Process and Procedures Under The Planning Act

In describing the effect of The Planning Act on municipal planning, the majority of the submissions tended to be more concerned with the process than with the ability of the system to achieve certain objectives. As indicated in the comments in the first section, Purpose and Objectives of the Ontario Planning System, the planning process has

been characterized as being complex and confusing, uncertain and inconsistent, time-consuming and cumbersome. Many of these problems are attributed directly to requirements and procedures under The Planning Act. Other comments on the planning process were as follows:

- The concept of a comprehensive Planning Act with uniform procedures for the entire Province has not been successful. Merely witness the number of areas in the Province that have not developed active planning organization and the number of defined planning areas that are defunct.
- The planning process established in the Act is too static and formalized to accommodate the requirements of a dynamic planning situation. The consequent rigidity makes the planning documents more of a liability than an asset to good planning.

The most frequently mentioned problem in regard to the planning process was the time involved in document preparation and approval. Delays were attributed to the complexity of the requirements; controversy over particular issues and proposals; unnecessary duplication of effort due to overlapping jurisdictions; and lack of specific detail in supporting applications. Suggestions to speed up the process included introducing statutory time limits on approvals, streamlining the review procedures, reducing the multiplicity of procedures on simple applications, delegating more authority, and providing guidelines on requirements.

5. Need for Clarification of the Language

A recurring comment in describing The Planning Act was its incomprehensibility. The Act was described as awkward in terminology, obtuse in meaning, lacking in definitions and explanation of terms and allowing too much latitude for misunderstandings or varied interpretations of the intent of the different sections. This widespread ambiguity, it was felt, confused planners, politicians the the public and invited the legal controversy which impedes and discredits planning.

Suggestions to improve the Act included simplifying it and rewriting in a common, contemporary but accurate vocabulary. Other recommendations were to prepare "guidelines", an accompanying handbook of the Act, an index at the back, a glossary defining substantive terms, and an appendix illustrating by-laws or documents mentioned in the Act.

6. Lack of Recognition of Different Planning Needs

There was general consensus that The Planning Act did not take account of different geographic circumstances, and was more geared to large, urban centres than to small, rural municipalities. As a result, it was felt that a level of planning was being forced on small municipalities (official plan plus zoning), which was irrelevant to their needs, beyond their capability to administer and requiring a level of professional expertise which they could not afford. The Act was also thought to be inadequate in dealing with areas undergoing change, whether from rural to urban or through redevelopment.

Suggestions to overcome some of these problems were either to modify the Act in such a way that it recognized the variety of local needs, or to develop two Acts or two or three sections of an Act to deal with urban, rural, and possibly specific agricultural requirements. One recommendation was that provision be made in the Act through official plans for rural area management, management of stable urban areas, urbanization of open land and change in developed areas. Other suggestions included:

- allowing a reasonable choice of procedures to enable municipalities to pursue a level of planning related to their particular requirements
- defining methods of permitting temporary land uses for areas undergoing change;
- recognizing non-agricultural rural needs such as in resort areas.

7. Conflicts with other Planning Legislation

Several briefs criticized the duplication and conflicts between The Planning Act and other pieces of planning legislation. One submission stated that it was in fact the vagueness of The Planning Act on environmental and socio-economic issues that led to the creation of the numerous other special purpose Acts (e.g., Condominium Act, Environmental Assessment Act). Other opinions on this topic were as follows:

- The Planning Act seems to imply that the powers of planning are broad but other legislation restricts.
- Simplification of The Planning Act is required since cross-referencing is made to 16 other Acts.

To overcome these problems, the bulk of the submissions recommended either that The Planning Act be made senior in matters of conflicting legislation, or all legislation related to planning and land-use, including Provincial policies, be consolidated into one Act. A contrary opinion was that the sections of The Planning Act which appear to be unrelated to pure planning activity should be amended, completely deleted or transferred to other Provincial Acts. Other comments on this topic were:

- At present, the absence of clear and explicit Provincial policies hinders the smooth operation of the system. The Planning Act is one component of this system and should be viewed in conjunction with other legislation affecting government activities related to planning.
- A streamlined planning system should apply to all other statutes affecting and related to planning and land use. However, the policy considerations of these statutes vary greatly and co-ordination will be a complex matter.

8. Revision of The Planning Act

As mentioned previously, there was no unanimous agreement on the need for a new Planning Act. In fact, several briefs indicated that the existing Act was quite satisfactory, and radical changes could create far worse problems. One opinion was that it is the planning process which needs improvement, not the legislation. Other comments on revision of the Act included the following:

- Existing planning legislation is generally quite good and permits a good deal of flexibility in processes and procedures which is very necessary having regard to the very broad range of local governments which exist in the Province. Flexibility is essential to local autonomy.
- The introduction, at this point in time, of large scale changes to the Act would cause immense delays whilst the public and private sectors readjust. Radical changes in The Planning Act and its operation should not be made. Changes should be of an evolutionary, rather than a revolutionary nature.
- The general structure of The Planning Act should not be changed but improvements to promote administrative efficiency and equity should be incorporated.

Regarding the type of planning legislation required, comments reflected a basic conflict between the desire for an instrument which is general enough to be operable, and specific enough "to provide planning areas with the necessary guidelines to pursue planning programs and make judgments on development proposals". The bulk of the submissions, however, agreed that The Planning Act should be general, and specifics dealt with either in regulations or in special Acts for local municipalities. One opinion was that a general permissive piece of legislation was preferable in that it allowed more flexibility to adapt to local situations. However, if special legislation were to be prepared for different municipal situations, it should be done in the context of clearly stated Provincial policies.

In commenting on the organization of a revised Planning Act, one suggestion was that the Act include provisions for planning functions; the integration of planning, programming and budgeting; institutional arrangements; preparation and use of policy documents and implementation responsibilities by all levels of government. Other recommendations included:

- There should be a clearly defined part or section of the Act for each function.
- The Act should be divided into two parts: the Act itself and regulations. The Act could define the policies, philosophy and goals of the planning process, and the regulations could cover such matters as the procedures required to implement plans and achieve development goals. A more detailed suggestion on the relationship of the Act and the regulations was that the Act confine itself only to the municipal processes and related controls; the regulations should cover matters such as plan contents, definitions, control parameters, methods to be employed, procedures, public participation and publications and graphic standards.
- The Act should have a new format of three parts: Part I dealing with general planning requirements and Provincial guidelines; Part II covering uniform policy and planning objectives for the local and regional or county jurisdictions; and Part III dealing with the implementation of planning activities at the local level, recognizing the difference between rural and urban and between the scales within the urban context.
- Because one of the most serious consequences of the municipal planning process is its contribution to high housing costs, planning and housing should be more directly related in the legislation. A "Part VI, Housing Policies" section could be added to the Act which might require:
 - a) that municipalities with populations over 20,000 prepare housing policy statements with 5-year production targets for housing of all types;

- b) that official plans be mandatory to show how targets can be met;
- c) that the Minister approve housing policy statements and targets;
- d) that the Minister make grants/loans for planning studies, infrastructure;
- e) that the Minister withdraw delegated development control powers if reasons for targets not being met are beyond the municipality's control.

Land Ownership

Regarding the effect of The Planning Act on land ownership, one opinion was that functioning under the Act has become unwieldy since provisions have been added for the necessary protection of the various jurisdictions and property owners. Another viewpoint claimed that the Act is used as a restrictive protection of private property interests. Further comments on land ownership were:

- The Act should respect ownership rights by either requiring radical changes in use and density to be related to a realistic time span, or by providing for an appeal to enquire into possible hardship.
- Municipalities should be able to impose detailed development plans on parcels of privately owned land being held off development, as well as the power to ensure conformity when the owner decides to develop the land.
- The Act should facilitate the control of non-resident foreign ownership of foodland and other resource lands.

Finance

A recurring theme throughout the comments on each section of the Act was that the existing legislation does not provide a consistent fee structure for the processing of applications such as subdivision plans, official plan amendments, land severances, variances and rezonings. There was disagreement, however, as to whether legislation should standardize fees and impose a ceiling, or whether fees should vary, relative to the processing of the application. One request was that the Act clearly recognize lot levies, specified for particular purposes.

Other financial concerns were related to the economic effects of the Act on development. One criticism was that the Act does not adequately reflect the financial costs of growth, and should stipulate such costs as a 'matter to be regarded'. However, the question raised was whether the Province should only allow municipalities to build what they can afford at a given time. As a solution, one suggestion was that a provincially-administered fund be set up with specific terms of reference and O.M.B. sanctions to cover costs beyond what the municipality can bear at the time.

Further recommendations were that:

- The Planning Act should make provision for municipal cost accounting procedures (capital budget planning).
- Provision should be made in the Act to set fees for special private meetings with the planning board and council.
- The Act should permit cash-in-lieu for parking space, with the money going towards further acquisition and maintenance.

Other Concerns

Some briefs mentioned particular concerns regarding The Planning Act. These include the following:

- The Ontario Government has expressed the intention of decentralizing planning authority. However, The Planning Act and its administration retain ultimate control over most decisions at the provincial level. Changes to the Act to transfer jurisdiction to the municipalities should be considered.
- The Act delegates certain powers to municipalities; it should also ensure that responsibilities are carried out.
- The Act should indicate the degree to which Crown Corporations should be bound to approved municipal policies.
- Consideration should be given to making planning decisions legally immune after a specified period of time.
- There should be a regular review of The Planning Act to keep it abreast with growth and development trends.
- Any major changes to The Planning Act may necessitate changes in the related legislation. Critical areas include:
 - a) planning and development by other governments;
 - b) nature and operation of government programs affecting municipalities;
 - c) arrangement for municipal financing;
 - d) management of the municipality;
 - e) laws regarding private property rights and the procedures through which those rights are established.

RELATED PLANNING LEGISLATION

In relation to the review of The Planning Act, other pieces of relevant legislation were frequently mentioned. These include The Municipal Act, The Regional Municipality Acts, The Assessment Act, The Environmental Assessment Act, The Conservation Authorities Act, The Ontario Heritage Act, The Pits and Quarries Control Act, The Ontario Municipal Board Act, and The Niagara Escarpment Planning and Development Act.

As mentioned in the comments on The Planning Act, there were numerous complaints about the duplication and conflicts among the various Acts. This appeared to enable too many agencies to wield veto power in the interest of minority groups in the processing of draft plans. It was suggested that there should be a concurrent review of related sections of other Acts, especially The Assessment and Municipal Acts.

1. The Municipal Act

Several suggestions were made to amend The Municipal Act to change municipal powers on capital expenditures. Recommendations included enabling municipal councils to pass by-laws on capital expenditures by a majority vote of council; not requiring O.M.B. or other Provincial approval on capital expenditures within municipal quotas, providing there are no objections; allowing councils to apply for bulk approvals of capital expenditures spread over a full term of office; and permitting municipalities during the first year to make capital expenditures equal to half of what it spent on capital works the previous year, before bulk approval is obtained on a two-year capital expenditure program. Other proposed changes to The Municipal Act included the following suggestions:

- Legislation should require all municipal councils to keep the public informed and give them the right to be heard when capital

expenditures are to be debated and decided upon. When a council has made such a decision, it should be required to send a notice to all who have requested in writing, announcing what the decision is and the time limit for an appeal to the O.M.B.

- Municipal councils should have the power to create, alter or dissolve wards, with a right of appeal to the O.M.B.
- Provision should be made in The Municipal Act for a planning officer.
- Municipalities should be given power to endorse by-laws regarding signs. Powers to include: entering private property to administer and enforce by-laws; requiring a permit and payment of fees prior to the erection, alteration, relocation or placing of a sign.
- Ineffectual controls in The Municipal Act on tents and trailers should be removed and placed in The Planning Act with stricter enforcement.
- Where a municipality is withholding a permission (e.g., a building permit) in circumstances where it is known to be illegal, council should be liable for damages.
- The conflict created by municipal manipulation of aggregate resources should be eliminated by transferring the controls from The Planning Act to The Municipal Act.

2. Regional Municipalities Act

With regard to the role of regional municipalities vis a vis The Planning Act, it was suggested that special provisions for the organization of individual regions or counties and for the exercise of either single or two-level planning should remain within the individual regional Acts. It was further recommended that the Regional Acts should require that:

- The area municipalities' capital budgets be approved by the regional council, once the regional plan is approved.

- The regional municipality prepare, adopt and submit to the Minister for approval a regional official plan within three years.
- The area municipality prepare official plan that conforms to the regional plan within one year of official approval.
- Legislative provision be made for the region and area municipalities to establish interim plans and policies while official plans are being prepared, similar to Minister's orders.
- The region be responsible for establishing uniform regional standards for zoning by-laws and land use categories.
- The area municipalities amend their zoning by-laws to conform to the regional official plan within one year of approval.
- An intergovernmental staff planning committee be established, composed of staff from both levels, to ensure co-ordination.

In connection with specific regional or county Acts, the following points were made:

- The Metropolitan Toronto Act should be changed to delete the provision that requires the housing policies of the local municipalities to conform to those of the Metro Council.
- The Haldimand-Norfolk Act should be amended to resolve any conflict with The Planning Act to permit regional council to act as planning board, without having to go through the technical procedures of constituting itself as a planning board.
- The Regional Municipality of Hamilton-Wentworth Act should be amended to permit the councils of the area municipalities to fix and impose fees for all zoning applications within the meaning of The Planning Act.
- The County of Oxford Act abolished planning boards but conflicts with The Planning Act; therefore, council must meet as a planning board and then reconstitute itself as a committee to vote twice on board recommendations.

3. Assessment Act

Regarding assessment provisions, one suggestion was that assessment be made on a square footage basis, moderated by a factor based on standards of construction, and further, by one geared to locations. A standard factor per situation could be established for the Province. Another recommendation was that tax dollars be distributed equitably to local municipalities to eliminate competition for local assessment. In order to keep foodland in production, land not in active use for food production should have a higher assessment. Two other concerns were:

- Reassessment to market value will have a detrimental impact which will require Provincial incentives to prevent. Specifically, residential property owners will suffer financially as assessment shifts from industrial-commercial to residential-farm property; inflationary pressure will help force market value assessment to catch up to current retail values, and industry should be assessed at a value approaching replacement of construction costs.
- Assessment appeals should be made directly from the Assessment Review Court to the O.M.B., and no longer be heard by county or district judges. Consideration should be given to forming a separate division of the O.M.B. for hearing assessment appeals.

4. Environmental Assessment Act

The general concern with The Environmental Assessment Act was that many matters considered under this Act are or could be controlled by The Planning Act. It was hoped that governmental action under the Acts would be carefully co-ordinated, and would not result in a confused, overlapping and time consuming bureaucratic maze. One specific suggestion regarding The Environmental Assessment Act was that it be amended so that environmental assessments are prohibited outside of "fill lines" in urban areas.

5. Conservation Authorities Act

There were conflicting opinions on the effectiveness of The Conservation Authorities Act to achieve environmental protection goals. One comment was that although The Conservation Authorities Act regulates the placement of fill and/or structures, only some municipalities have such regulations. Recommendations were that there be uniform policies, criteria and regulations at the Provincial level, and that flood plain regulations be incorporated in municipal zoning by-laws. On the other hand, it was also suggested that some of the newer conservation authorities were interfering unnecessarily in the planning and development process, and that the jurisdictional division should be more sensibly worked out. To achieve this, it was recommended that The Conservation Authorities Act be amended to require municipalities to approve the definition of "fill lines", and to restrict the jurisdiction of the authorities only to those areas within the fill lines.

6. Ontario Heritage Act

With regard to The Ontario Heritage Act, it was suggested that The Planning Act should include specific means to encourage the preservation of buildings or structures deemed to be of social significance to the community. One method might be a "transfer of development rights" whereby a developer may sell his property only in the context of an agreement with the municipality which guarantees the future preservation of the property and any existing buildings or structures. Other comments listed a number of complaints with The Ontario Heritage Act:

- The process of designating an area of a municipality as an "historic conservation district" is far too complex and expensive due to the Ministry of Housing requirement for a study and a full

length newspaper ad before preparing the official plan amendment for designation. Also, the Ministry's study guidelines are far too onerous and limit the designation of such areas to municipalities having the financial means to carry out the studies. This discriminates against smaller municipalities.

- Ministries disagree on the interpretation of the legislation; the Ministry of Housing claims an official plan amendment is required and Culture and Recreation says it is not.
- The process of designation can only delay demolition of buildings for nine months, not prevent it.

7. Pits and Quarries Control Act

Several briefs were concerned with the adequacy of the legislation dealing with pits and quarries. There was little consensus, however, as to which Act could provide the most appropriate controls. Comments were as follows:

- Pits and Quarries regulations cannot be achieved under The Planning Act and the Act should be amended to provide regulations for control and rehabilitation.
- Regulations for the rehabilitation of extracted areas should be contained in The Pits and Quarries Control Act.
- Areas identified in official plans as aggregate deposits for future extraction should be governed by The Pits and Quarries Control Act, until rehabilitation, at which time they should be controlled by The Planning Act. In this regard, The Pits and Quarries Control Act should require a hearing upon application for a license to operate.
- Consideration should be given to an Aggregate Resource Management Act that would prevent a potential shortage of sand and gravel reserves. This Act would contain a provision to override sections of The Planning Act concerning aggregate extraction designations. For

each municipality, the Ministry of Natural Resources would prepare a map designating areas as "aggregate extractive". These areas would then be included in the municipality's official plan.

- Appropriate amendments should be made to the relevant legislation to ensure complete, local municipal control over the aggregate industry, including prohibition and/or control over its location and methods of operation. As a condition of municipal approval, the operator should be required to provide compensation to the municipality as deemed appropriate. Such powers would not be subject to senior government level approval.

One further concern was that sod farming regulations should be set out in The Pits and Quarries Control Act.

8. Ontario Municipal Board Act

Regarding the legislation on O.M.B. activities, the following points were made:

- The Planning Act should be amended to bring the O.M.B.'s activities within the Act's jurisdiction; to promote decision making based on a planning rather than a legal basis would require a change in The Ontario Municipal Board Act.
- Either The Ontario Municipal Board Act or The Planning Act should be amended to ensure that notification of appeal be sent to those parties now required to be identified in the O.M.B. Rules of Procedure.
- Amendments should be made to The Ontario Municipal Board Act and The Planning Act to make it clear that an objection will be treated as an appeal and not as a hearing de novo (new enquiry).
- The Attorney-General should review in detail those sections of The Ontario Municipal Board Act dealing with appeals to the divisional court and the stating of cases in law.

9. Niagara Escarpment Act

The following comments were made in relation to The Niagara Escarpment Planning and Development Act:

- Any changes made to the O.M.B. should also apply to the Niagara Escarpment Commission.
- The status of development control by-laws and agreements in areas subject to the Niagara Escarpment development control should be clarified.
- New development in areas now covered by the Niagara Escarpment development control regulations could become legal non-conforming uses if the development control provisions are lifted; this could cause legal and financial problems for the owners.
- Municipalities within the Escarpment should be allowed to exercise their own land use and development control by means of issuance of development permits.
- All development and maintenance and use agreements should prevail in respect of regulations made under The Niagara Escarpment Planning and Development Act.

10: Other Legislation

Comments on other planning legislation included the following:

- The Registry Act and The Planning Act should not conflict; title can be clouded by The Planning Act; there should be a better tie-in between The Registry Act and The Planning Act so that new lots created by a land division committee or committee of adjustment could not be registered until the deeds have been stamped by the appropriate committee.
- The Planning and Development Act should be merged with The Planning Act.

- The Agricultural Code of Practice is a useful guideline but should not be incorporated into The Planning Act.
- Ontario Hydro towers crossing the country should be governed, but under The Ontario Energy Board Act, not The Planning Act.
- Under The Expropriations Act, municipalities should be given the right to acquire land by expropriation: (1) in support of private development where such development meets the objectives of the community and is for the good of the municipality; (1) to all land assembly for virtually any proposed development, and (3) should not be required to obtain Minister's approval.
- There are conflicts between The Cemeteries Act and The Planning Act regarding the requirements for registered plans of subdivision necessary for the sale of cemetery plots.

PLANNING INSTRUMENTS AND PRACTICES

With the exception of zoning and site plan control by-laws, there was little interest in replacing the existing planning instruments with new planning tools. There was, however, widespread concern about the use of the instruments in the planning process. On the one hand, many local government bodies would like the scope of the instruments broadened to give them wider planning powers; on the other hand, many groups requested greater definition of the limits of planning practices to reduce the arbitrariness and discretion exercised during the process. For this reason, conflicting arguments are expressed throughout the report on the need for specificity in the content and use of planning instruments, and the need for generality or "flexibility" in determining the scope of powers.

OFFICIAL PLANS

Few planning instruments were as widely commented on as official plans. In general, official plans were affirmed as the primary planning instrument, central to the effective operation of the planning system. Nevertheless, a number of critical comments were expressed about the current adequacy of plans:

- The official plan has fallen into disrepute as a planning instrument in many municipalities because it obstructs development. It is negative and restrictive.
- An official plan in its present form is not satisfactory as the prime planning tool. Clearly a plan is required but its form should be debated at length and defined in detail in order to ensure that the scope of municipal planning is satisfactory and will achieve consistent results.
- Regardless of how good the plan is, it is useless without a clearly established and effective planning process within which to implement it.

Other topics of discussion regarding official plans include:

- The Stature of Plans
- Nature and Scope of Plans
- Official Plan Preparation
- Official Plan Approvals
- Amendments
- Interrelationship of Planning Authorities
- Different Kinds of Plans
- Relationship of Plans to Other Planning Instruments
- Public Participation in Official Plans
- School Board Requirements in Official Plans
- Land Acquisition

The Status of Official Plans

Comments on the status of official plans were related to three fundamental issues: mandatory planning, the legal status of plans and mandatory review.

1. Mandatory Planning

A number of viewpoints were expressed on the advisability of mandatory planning. Some briefs opposed it altogether; others suggested that it should depend on local circumstances, and a third group felt planning should be compulsory throughout the Province. One recommendation was that The Planning Act establish a minimum level of planning.

Those who opposed the idea of compulsory planning were generally dubious about the need for official plans in all types of municipalities, especially small municipalities. In some areas, it was felt, zoning by-laws would be sufficient. Other briefs suggested that the Ministry

of Housing should make official plans mandatory only where conditions warrant such action. The basis for requiring plans should depend on whether growth is occurring and whether the municipality is ready and willing to carry out an effective planning exercise.

Submissions which recommended mandatory planning gave the following reasons for their views:

- The official plan should be mandatory because public policies should be clearly known and documented.
- Local plans ought to be mandatory as a context for council decisions.
- By requiring all municipalities to prepare official plans immediately, problems created by the need to implement zoning by-laws could be alleviated.

Some briefs further recommended that not only should official plans be mandatory, but the Province should establish a time limit for the adoption of plans. Where a municipality fails to prepare an official plan, the Province should have the right to prepare the plan; should apply sanctions such as curtailing Provincial grants, or should impose zoning orders.

2. Legal Status of Plans

The basic issue with regard to the legal status of a plan appears to be a conflict between the desire for a publicly accountable document which has a binding effect, and the need for a relevant document which is responsive to change. On the one hand, the legality afforded by Provincial approval and the conformity requirements in The Planning Act binding on other planning actions (zoning and public works) supposedly provides an assurance of certainty and knowledgeability; on the other hand, the lengthy process required to prepare, approve and change a plan virtually defeats its usefulness in providing the appropriate

guidance it is intended to afford. As a means of keeping the plan abreast of changing conditions, many briefs recommended a compulsory periodic review; others, however, suggested avoiding the cumbersome approval-amendment procedures by making plans either very general or more short-term.

Of the briefs opposing the legal status of plans, one suggestion was that official plans should lay down policy guidelines, but should not constitute legal documents requiring amendments, public hearings, etc. The restricted area by-law should be the legal document to implement policies. Another submission recommended a shift away from the detailed regulations and amendment procedures of official plans to a "more pure form of broad guidelines, objectives and strategies, with a secondary document to contain the detailed rules and regulations required for day-to-day planning administration. The latter document would have neither the status nor the same amendment procedure as the official plan". Most of the briefs opposing the legal status of plans did so to avoid the system of Provincial supervision and complex approval procedures.

The majority of the comments, however, emphasized the importance of the legal status of official plans. The following points were made in support of this position.

- Once the official plan is approved, it should have greater legal presence than it is now given under The Planning Act.
- The plan should have more recognized status in terms of being binding on implementation.
- The official plan should be retained in view of its status as the only long-range planning tool available to municipalities, and in the objectivity it provides in guiding councils in the implementation of restricted area by-laws, subdivision, consents and public works.

A few submissions suggested that the legal effect of the official plan should be binding on the Province, the municipal council and on special purpose bodies. One submission recommended that once the plan is approved,

it should be seen as Provincial policy, and another suggested that the Province be bound in its actions by a plan which it has approved. This would include all provincially sponsored public works such as pipelines, hydro transmission lines, expressways and airports.

Suggestions affecting municipal councils were:

- The official plan should be binding on the actions and by-laws of council.
- Councils should be prohibited from issuing building permits which contravene an adopted official plan.
- In an effort to simplify the system, there should be one central, all-pervading document, the official plan; a proposal that conforms to the plan should be approved, subject only to site planning and other standards which implement the plan.

Furthermore, it was suggested that municipal councils be required to carry out approved official plans. One brief requested that municipalities be required to design and pursue programs and undertake works to implement the official plan. Another suggested the right to make application to council for performance of the official plan should exist. If council refused to act in accordance with the plan, the O.M.B. could issue an order requiring compliance or amendment of the plan. A third brief recommended that sanctions (curtailment of provincial grants) be imposed if the municipality failed to carry out the plan.

The legal effect of the official plan was also seen in relation to other planning instruments, particularly zoning by-laws and public works. As indicated by a few comments, there appeared to be some confusion about the intended legal relationship among planning instruments. One brief recommended that The Planning Act should state the relationship of the official plan and its implementing tools such as zoning, in order to indicate which should take precedence when there is a land use conflict.

Regarding zoning by-laws, one brief recommended updating old zoning by-laws to conform to an approved official plan. Another suggested that more effort should be made to make official plans more effective through zoning by-laws.

In relation to public works, the following concerns were mentioned:

- The definition of public works under Section 1(j) of The Planning Act includes the phrase "other undertakings"; in view of the conformity requirement to official plans, this reference is considered to be too ambiguous.
- Although the legislation requires that public works of a local board conform to the official plan, some county or regional school boards have chosen to interpret the provisions of the Act as not being applicable to their improvements. The legislation should clearly include the improvements of school boards as public works subject to conformity with municipal plans.

3. Mandatory Review

A third topic related to the stature of plans is the question of mandatory review. While a number of briefs insisted on compulsory review as a means of keeping the plan up-to-date, equally strong arguments were made to avoid the cumbersome approval, review, amendment procedure by making plans very "flexible" or "general".

Those supporting mandatory review of official plans recommended updating plans continually, every two years or every five years. Their views are presented as follows:

- An official plan becomes restrictive when not subject to periodic review.

- The official plan gives a false sense of security because of its indefinite character; there is no mechanism or requirement to keep it up-to-date.
- The Planning Act should require specific review of plans in order to ascertain if the policies of the plan had been implemented and if the initial objectives had been achieved, or conversely, if objectives should be revised as a result of unexpected or changing conditions.
- The Planning Act should require regular evaluation and updating of plans and a formal monitoring system to be built into the official plan.
- The official plan should be subject to a continuing review and periodic consolidation.
- The legislation should provide for planning documents to change policies to meet changed circumstances or new problems, or new abilities to plan, or to correct policies that have proven mistaken. The legislation should indicate that such a review and change process is an essential part of planning.

The briefs arguing against constant review and amendment of plans primarily criticized the time involved as the factor which made plans outdated and unresponsive to change. Many of these submissions attacked the rigidity of the plans for fostering these procedures. The following points were raised on this issue:

- The official plan is not the panacea it is touted to be because the planning process outlined in the Act for preparing, approving, implementing and amending a plan is too static to respond to a dynamic planning situation.
- Official plans are too specific and rigid with constant amendments and rezonings required, leading to undue time delays and costs.

Suggestions to overcome the problems of outdated, unsatisfactory plans were to place more emphasis on short-term planning or to make plans less specific:

- The legislation should give less importance to a comprehensive, initial policy document and acknowledge that every policy is partial and temporary; the content of such documents should relate to what is strategically important at the time of adoption.
- The official plan should be more comprehensive, flexible and reflect an ongoing process.

Nature and Scope of Official Plans

Comments on the nature and scope of official plans focussed on the purpose of plans, their general characteristics, the lack of Provincial guidance on content expectations and the subject matter of plans.

1. The Nature of Official Plans

a) Purpose

Although several briefs criticized the lack of definition in The Planning Act of the purpose of an official plan, other submissions offered specific suggestions. One view was that plans should play a major part in determining all forms of community programs, goals and objectives. Another opinion was that plans should function as a tool of municipal management, to be accomplished through policies for capital projects that will be reflected in debenturing and capital budgeting. The majority of comments, however, emphasized that the overall purpose of official plans is to provide adequate guidance, particularly for urban growth and development. A few briefs criticized plans for not providing enough specific information on this matter:

- Official plans are often too general to be used as an adequate guide for development; areas are often indicated by a blob on the map but the Province still insists that zoning in a subdivision conform to the blob.

Other submissions indicated certain expectations regarding the plan's role in guiding development.

- Official plans should serve as broad, flexible guidelines for anticipated development.
- Policies of official plans and amendments should have control in guiding development in all phases of municipal growth.
- Municipalities should define how they will regulate development in the official plan; so long as it does not violate the law and Provincial planning policies are recognized, it should have a maximum self-administration.

Some briefs went so far as to suggest that unless municipalities provide adequate policies in their official plans, they should not be allowed to regulate development. (See discussion on Other Planning Instruments.)

b) General Characteristics

At the heart of the issue on guidance, there appears to be a basic dilemma about the general characteristics of plans, similar to concerns raised about the type of Planning Act. On the one hand, it was felt that plans must be broad and "flexible" enough to be operable, and on the other, precise enough to provide a force of action through specifics. As expressed in one brief, "goals of an official plan should be stated as broad, overall, long-range desires. Yet they should be precise and methods should be stated for achieving the goals".

The preceding comments on mandatory review criticized many plans for being too detailed. Briefs supporting this view recommended more generalized approaches.

- Official plans are much too formalized and complex. Attempts to reduce the complexity have been rejected by the Province.
- Official plans must be comprehensive enough that amendments are not required for most proposals for development and redevelopment anticipated by the plan.
- Official plans should establish overall goals.

Nevertheless, a substantial number of briefs suggested that in order to provide adequate guidance, plans had to provide some level of precision and assurance of certainty. This is reflected in statements suggesting that, as basic principles, the plan should be clearly stated in language and intent, contain implementable policies capable of being monitored, and avoid "motherhood" type goals. These views are represented in the following comments:

- Official plans are written in "officialesse", and it is suggested that no planning statement or document be approved unless it is understandable to a lay-person.
- It is essential that the official plan be clear and explicit.
- Discretionary powers must be minimized by having the plan embody clear directions of intent.
- Municipalities should refrain from "motherhood" policy statements in their plans which cannot be implemented. Such statements only serve to create unnecessary expectations on the part of citizens and complicate the real planning issues.
- The official plan should be a comprehensive policy instrument to guide program requirements and target definition. The plan is perceived to be a commitment to action and not just a land-use control measure.
- Official plans should only include implementable policies and should be required to include provisions and methods for monitoring their achievement.

One brief went so far as to recommend that:

- Only realistic goals should be included in an official plan and supported by proof of need and ability to finance. A year's grace could be given a municipality to demonstrate ability to finance.

In essence, what each of these comments is implying is that if official plans are to provide guidance, they should be realizable, which means that they must be capable of being understood as well as achieved.

2. The Scope of Official Plans

a) Guidelines

Of all the comments on official plans, few topics drew as much concern as the content expectations of plans. Not only did there appear to be considerable frustration with the failure of the Province to define what constitutes an acceptable plan, but also confusion over the appropriate extent and focus of plans. Numerous briefs criticized the lack of guidance in this area, and attacked the Province and The Planning Act for not giving more explicit direction. The reasons for requesting guidelines appear to be two-fold: in some cases, it was felt that Provincial advice would be genuinely useful in helping municipalities prepare plans; in many others, guidelines were recommended primarily to reduce the arbitrariness of the Provincial approval process.

Those briefs which criticized the absence of guidelines or recommended them as a means of educating municipalities made the following points:

- Uniform Provincial guidelines as to the purpose, function, format and content of official plans would assist municipalities in their preparation, particularly in identifying issues which are of major

concern to the municipality. Traditionally, official plans have been documents which establish policies for guiding future land use and physical development. The Provincial guidelines should also state what policies related to the social needs and demands of the area are to be an integral part of the official plan document.

- The Province has been lax in not providing guidelines to municipalities on what an official plan should contain; guidelines would reduce the tendency for plans to be outdated on date of approval and need for consequent money and time expenditures to amend the plan.

Other submissions recommend guidelines primarily to reduce the discretionary powers applied by the Province in approving local plans. These views are represented in the following comments:

- The content expectations of official plans have not been spelled out in legislation, nor has Provincial policy on expectations for content been explicitly stated. As a result, the approval process has become a game of chance. Municipalities are often confronted with shifting policy requirements at the last moment, after official plans have been submitted for approval and substantial time and money has already been spent. The existing procedures drastically increase the cost, confrontation and confusion inherent in the present planning system.
- The overwhelming generality of The Planning Act in defining the scope and function of an official plan has produced in Ontario virtually as many interpretations of the content of such plans as there are municipalities and planning consultants. While this generality may be said to provide for a measure of municipal autonomy, it has also provided the Provincial authority with a level of discretion unchecked by objective and understood criteria for the approval authority conferred. The absence of such guidelines or criteria presents other difficulties: a reliance upon tried and true practice which may stifle innovation; costs associated with Ontario Municipal Board hearing consequent of disagreements in the

absence of objective criteria and delays in the approving process; and a lack of guidance necessary to develop consistency in long-range decision making with respect to neighbouring municipalities.

Despite concern about this matter, there was no unanimous agreement as to the solution. At least three different viewpoints were expressed on the usefulness of legislating guidelines.

- Section 12 of The Planning Act (re official plans) should be amplified to incorporate a modified summary format of the Ministry of Housing guidelines on the preparation of official plans.
- The Planning Act should be amended to provide guidelines for both regional and local official plans, but the provisions should be flexible enough to take into consideration unique planning situations throughout Ontario; specific guidelines on plan content should be confined to regional or county legislation.
- Because of the complexity in attempting to ensure both flexibility and adequate content at the same time, there is some question about whether legislation is the proper place to spell out content expectations of plans. However, it is recommended that Provincial policy be set down in concrete terms in some manner so that all municipalities know in advance where they stand on Provincial requirements.

b) Subject Matter of Official Plans

There was little consensus on the scope and type of matters to be dealt with in official plans. Contrary to those briefs which complained that plans did not deal adequately with development, a number of submissions criticized plans for only considering land use issues, to the neglect of social, environmental and economic concerns and problems of change.

Other submissions offered lists of suggestions for "matters to be regarded" in plans. A third group questioned the entire notion of the ability of municipal plans to achieve a wide variety of objectives.

Those briefs which criticized the lack of social, economic, environmental, mineral resource and agricultural considerations in municipal plans made the following points:

- The official plan, quite wrongly, does not refer to non-land use questions. It is purely a physical plan with no reference to socio-economic goals translatable into land uses. Social goals should be included in official plans.
- A defect at present is that the scope of plans directs attention to the control of growth and neglects to examine other aspects of change.
- Official plans, historically, have not been adequate in securing natural environment objectives. The requirements of conservation authorities are presently not incorporated in official plans.
- The scope of official plans for rural and agricultural areas is inadequate. Agriculture is frequently treated as a holding category in official plans. Plans do not address the enhancement of rural uses and development. The reason for this neglect is that the Province has no policy for the protection of agricultural land.

Suggestions to overcome these inadequacies ranged from generalized statements to specific recommendations.

Social and economic objectives:

- The Planning Act should provide guidelines for the expansion of the official plans to include cultural, social and environmental and economic aspects.
- Physical planning should be based in part on operational social goals. Examples of social concerns to be addressed are: preservation

of certain neighbourhood elements (low income housing);
elimination of undesirable elements (unsafe road crossings);
support of desirable developments (family housing); discouragement
of certain development trends (high cost housing).

- Social concerns could appropriately be dealt with at the secondary plan level.
- The objective should be to learn to manage change in a positive direction. The result would then be a transitional plan that can reflect changing social values and can encourage a flexible process of development to occur from the present to the future.
- A financial examination of the municipality should be carried out at the time when an official plan or any major amendment is prepared. Economic implications should be examined as a matter of course where there is any reason to suppose that costs may adversely affect a proposal.

Environmental objectives:

- Official plans should be expanded to include designations of environmentally significant areas, criteria and management practices for their treatment.
- Pits and quarries are not adequately dealt with; all quality mineral reserves should be clearly identified in the official plan and policies should provide for access and use of reserves, progressive rehabilitation of sites and future land use.

Agricultural objectives:

- Official plans for rural areas should include policies relating to agricultural land, and special consideration for limitations on severances and improvement programs.

Briefs that recommend several matters to be included in official plans made the following suggestions, some of which were fairly broad:

- Official plans should:
 - . contain substantial input from economists;
 - . recognize the affordability of housing as a basic social need;
 - . recognize the importance of land supply in determining prices;
 - . be regularly monitored for their effects.
- The official plan content should cover:
 - . Background - description of present situation and regional setting;
 - . Prospects - predictions about growth and change, and anticipated requirements, problems and opportunities;
 - . Plan and Policies - regional plan context, structure and quality of community elements, public works, private projects, and detailed plans and proposals for specifically designated areas requiring different treatment, (e.g., rural, stable, urbanizing and areas of change).

Other more specific suggestions included:

- Population projection and distribution;
- Housing;
- Transportation;
- Infrastructure;
- Employment: type, level and general location of industry.
- Environmental concerns: natural resources, flood plains, erodable slopes, hazard lands, sensitive areas, water quality, pollution control;
- Capital budgeting: timing of financing and staging of various public expenditures;
- Agricultural lands;
- Recreational needs;
- Areas, sites and structures of major historical, archeological and architectural significance
- Churches;

- Social and economic structure;
- Public participation;
- Proposals for redevelopment and revitalization of economically depressed areas;
- Outline of how inter-and intra-governmental co-ordination will be carried out;
- Procedures to monitor, review and update the plan.

As can be observed, many of the suggestions, including those for expanded social content, focus on land related issues or physical facilities.

Despite the wide scope of the subjects recommended for inclusion in official plans, a few cautious comments questioned the feasibility of accomplishing such a wide variety of goals in plans. One brief suggested that local social and economic problems were beyond the scope of municipalities; because plans are stable in nature and cumbersome to amend, they cannot deal expeditiously with rapid social and economic change. Another brief was concerned about including too many "matters to be regarded" in The Planning Act, as municipalities would likely try to find loopholes to avoid certain responsibilities and/or the matters would quickly become outdated. A third suggestion was that there should be defined limits for the content of official plans.

Official Plan Preparation

Numerous complaints were expressed about the preparation of official plans:

- The preparation of an official plan is a very costly venture for any municipality.
- Official plan preparation takes too long; the plan is usually out-of-date by the time it is ready for implementation.

- Plan preparation is used as a stalling device by some municipalities which do not want development.
- There are no interim arrangements while plans are being prepared.
- Official plan preparation is not properly integrated into the functions and operations of municipal departments.

Nevertheless, several suggestions were offered on how to prepare plans, not necessarily with the idea of streamlining the process. Two briefs recommended changing the consecutive official plan zoning procedure:

- In some cases, the process of official plan preparation followed by zoning should be reversed. Official plans are often too vague while zoning is much more "real".
- Official plans and zoning by-laws should be two parts of one document. The official plan could be prepared and processed locally, then used as a working document until the implementing zoning by-law is ready for adoption. In this way, errors in the official plan which are uncovered in preparing the zoning by-law could be corrected without having to go through a formal amendment process.

Other briefs recommended the following steps:

- Before a plan is prepared, there should be a study of the area under specific headings in accordance with established methodology so that an objective, consistent and complete background picture is obtained. This should be set out in regulations prescribed by the Minister.
- Stages in plan preparation should include: preparation of background information and analysis, incorporating provincial/regional, and adjoining municipal plans; preparation and circulation of alternatives; review of responses to proposals and preparation of final recommendation; council adoption and submission to Province and Regional Municipality; opinions and proposals should be encouraged from public and private sectors throughout the process.

A further recommendation was that plans should be prepared with an appreciation and assessment of land market values.

Official Plan Approval

The major concerns with plan approvals were the appropriate authority to approve and the time involved in the process.

1. Authority to Approve

While several briefs endorsed the continuation of Provincial approval of official plans, others felt that Ministry approval locked the plan into an inflexible state and watered down the content. "Unofficial" plans, it was contended, were easier to amend than official ones, and were given the same recognition by the O.M.B. Furthermore, it was felt that present Provincial approval frequently was being exercised on matters not within the scope of Provincial significance. The Province was imposing requirements or standards which represent an interference in municipal jurisdiction. If such requirements and standards are of Provincial concern, it was suggested that they be authorized through regulations under the Act and not imposed arbitrarily. (See also Provincial Activities Affecting Municipal Planning).

Several of the briefs which supported Provincial approval did so with certain reservations:

- Official plans should be approved by the Province, preferably within the framework of a Provincial plan.
- Written directives to all Ministries consulted during the circulation process should limit their comments to the particular concerns of the respective Ministries.
- The Minister's approval of subsidiary plans should specifically identify it as a plan that the region and its agencies will conform to, until or unless amended.
- If a local official plan is not in conflict with Provincial policies, there should be no interference in its goals by Provincial staff.

Of particular concern were modifications made to plans by approving agencies. One brief claimed that regional and Provincial governments are adding modifications to plans which do not relate to their own level of authority. Any changes suggested by these government levels should be of a general nature. Another brief stated that "where the Minister or the O.M.B. modifies a submitted plan, it should be done in such a way that it is clear the Provincial, not local policies are being applied".

Few briefs supported the notion of total delegation of plan approval powers to local municipalities. One brief endorsed local approval, subject to appeal to the O.M.B. Others suggested that to quicken the approval process, local official plans should not require Provincial approval where there is a regional official plan in effect.

2. Approval Process

Perhaps the major concern with the approval process was the time involved. Suggestions to reduce delays included imposing time limits and reducing the number of agencies consulted. One brief recommended that the Minister should be required to circulate, approve, disapprove or refer to the O.M.B. a plan or amendment within a specified time limit which ranged from 60 to 120 days. Failure to respond within that period should constitute the equivalent of approval.

Other suggestions included the following:

- Provincial approval of official plans should be decentralized.
- The special treatment given in The Planning Act to Ontario Hydro as a special agency to be consulted during plan circulation should be removed.

- The procedures for the adoption of subsidiary (local) official plans are not being followed. In practice, the Province receives official plans directly from the area municipalities and circulates to the designated municipality after the plan's submission, rather than having the plans submitted to the designated municipality for adoption prior to submission to the Minister as specified in Section 13, Subsections 1 and 2. The reasons for this change in procedure should be investigated and amendments considered.

Official Plan Amendments

As with the approval of official plans, the major concerns regarding amendments were the approving authority and the time involved in the procedures. The statements made previously on mandatory review give some indication of the frustration with the amendment process.

Regarding the approval authority, a few briefs suggested that local municipalities should be given power to approve amendments, particularly those of a minor nature, not in conflict with the general policies of an approved plan. Other submissions supported Ministerial approval, some with certain reservations:

- Upon approval of an area municipal plan, any amendments should go through a formal amendment procedure.
- Minor amendments to official plans should be considered only by the Ministry of Housing and not by other Ministries.

One brief suggested a different principle in formalizing amendments:

- Official plans should be subject to continuing review and periodic consolidation; official plan amendments therefore should be widely distributed in a clear, consolidated, readable format.

Regarding the time involved in processing plan amendments, some briefs requested time limits (30 days) be imposed on senior levels of government. Other submissions suggested a more "realistic" time period be allowed for municipalities to decide on amendments; recommendations ranged from 90 to 120 days, in order to allow for proper local circulation, public discussion, etc.

Further suggestions relating to amendments included:

- The provisions of The Planning Act with respect to official plans should apply to modifications as well as amendments.
- The Minister shall (rather than may) require a report of the planning board in the event of an amendment or repeal of an official plan initiated by council.
- The Act should describe the procedure by which the regional municipality and its agencies will apply for and obtain approvals for such amendments to the subsidiary plans as may be required occasionally in the light of changing regional policy.
- Municipalities should be allowed to establish a fee schedule and impose conditions for amendment applications.

Interrelationship of Planning Authorities

Several briefs commented on the need for hierarchical planning, although there was greater interest in two-tier systems than in three-tier. Many submissions supported the notion of conformity of plans, and a few indicated confusion over the absence of well defined planning responsibilities at different levels. Other concerns were related to inter-municipal planning.

1. Hierarchical Planning

Those submissions which supported the notion of hierarchy of plans made the following points:

- Three levels of plans should be recognized:
 - 1) A Provincial Plan,
 - 2) Municipal Structure Plans (policy plans) which require Ministerial approval, and
 - 3) Municipal District Plans (secondary plans) which require only Council approval.
- Official plans should include statements of conformity to Provincial goals, especially housing goals.
- A municipal plan should be prepared in the context of a Provincial plan which would ensure that Provincial interests were safeguarded. Implementation of the plan should be administered locally and the Province kept informed by a system similar to that used for committee of adjustment decisions.
- A Region must prepare its plan to agree with the general policies of the Province, and be required to establish planning policies that deal with matters of regional consequence.
- Official plans and amendments adopted by area municipalities should be subject to approval by the regional municipality, and in turn, the official plan of the regional municipality by the Province. However, area municipalities should be free to deal with matters within their scope and role.
- Area municipalities in regions should be responsible for the preparation of secondary plans. The secondary plan should constitute an amendment to the local official plan and should be subject to regional council approval.

One submission which expressed a different notion of conformity from the usual "top-down" concept stated:

- The concept of delegation should be accompanied by the concept of conformity. Municipal plans should be required to conform to

Provincial plans or policies, and to regional plans in two-tier systems. Provincial and regional authorities should also be required to conform to the local official plans.

Other briefs argued against a planning hierarchy:

- Municipalities must be as free as possible from Provincial plans and policies to pursue their own planning policies without Provincial interference.
- Responsibility for preparing plans should be retained at the local level; County planning is too removed from local control.
- The responsibility for official plans, including writing (and enforcing) them should be put wholly at the level of Regional Council.
- In some cases, only a county plan is needed; local municipalities can carry out development control directly from the County plan.

2. Regional Planning

Numerous problems were cited in connection with regional planning, a number stemming from the lack of clarification in the legislation of planning responsibilities; others from operational difficulties.

(See also The Legislative Base, Regional Acts.) Comments on regional planning included the following:

- The Act has never been amended comprehensively to recognize the two-tier system of municipal government. Regional and district municipalities are treated as the "designated municipality" in the earlier joint planning structure. However, the planning functions of regional and district municipalities are substantially different from those of the designated municipality in joint planning areas. The regional and district municipalities are directly responsible

for municipal programs throughout the planning area in contrast to other designated municipalities which have no municipal authority outside these boundaries. The Act should be amended to include a distinction between planning in regional and district municipalities and other joint planning areas.

- The regional and local responsibilities and relationship of regional and local plans should be clarified.
- Provincial guidance is needed on the level of regional responsibility in the review and adoption of local plans.
- There are problems with interim arrangements during preparation of regional official plans.
- The regions should provide an umbrella for local decisions; the first task should be to co-ordinate local plans, then prepare a regional (guideline type) plan.
- It is questioned whether it is advisable to permit the regional municipality to be the plan approval agency, since it is also the supplier of local requirements.
- The number of times when the local plan must be amended for the sole purpose of conforming to the plans of upper-tier governments should be minimized; and annual review and amendment is suggested for such purposes.

One brief recommended specific regional plan contents:

- The regional official plan should be a compendium of development policies and should be conceptual in nature. It should define the intent of council in the form of broad policies and land use designations. It should deal with capital works programs, transportation, housing, servicing and other means by which the various municipal policies are implemented. The official plan should also be the product of an open process with full public participation and it should require the approval of the responsible Minister of the Province.

3. Inter-municipal Plans

Several briefs mentioned problems co-ordinating plans among adjacent regions or municipalities. Their views may be summarized as follows:

- There is no procedure for ensuring consistency between official plans of adjacent municipalities. Specific approval criteria and procedural requirements for regional plans is recommended to improve inter-action between regional planning authorities.
- Official plans of adjoining regions should be consistent with one another.

Different Kinds of Plans

Several briefs commented on the need for different kinds of plans not currently acknowledged in The Planning Act. The principle underlying this view was that plans or policies should be appropriate to the circumstances that are being dealt with; policies and their format should differ for simple and complex situations. It was suggested that The Planning Act recognize the variety of planning needs by permitting different kinds of plans for different circumstances (e.g., rural, urbanizing, stable, redeveloping). The most frequently mentioned plan was the secondary/neighbourhood/district plan.

1. Secondary Plans

Although one brief dismissed secondary plans altogether,

- The use of secondary and district plans in conjunction with official plans could be by-passed by going directly to plans of subdivision.

most submissions argued in support of such plans.

- Explicit neighbourhood plans are needed to give citizens a better understanding of what is being proposed for their areas.
- Secondary plans should be used as guides to capital expenditure programming and as guides to the locations and capacities of trunk, arterial and other regional levels of service.
- Under the changed system of development control, secondary plans could become the basis for a development-permit-control system.
- Providing a neighbourhood plan provides enough detail for development guidelines, it would be possible to move directly to site plan implementation without a comprehensive zoning by-law.

Numerous suggestions were made to legalize secondary plans by including and defining them in The Planning Act. The fact that at present they are not acknowledged appears to invite legal problems in that the Ministry of Housing is requiring them in the "official plan-to-subdivision" process without acknowledging the authority for this requirement, the approval process, citizen input and minimum secondary plan contents.

Opinions varied on the appropriate authority to approve secondary plans. One brief felt they should have the same status as official plans, including formal appeal procedures, while others felt they should be approved locally or regionally where there is an official plan in effect.

2. Other Plans

Suggestions for other types of plans to be formally recognized by The Planning Act include the following:

- Urbanization plans: urbanization areas refer to open land that will

be converted to urban use; policies should be included in an urbanization plan which would identify:

- a) capacity of the urbanization plan
- b) general organization of the area
- c) design objectives
- d) municipal service requirements
- e) municipal commitments (i.e., budgeting, maintenance)
- f) staging of projects

The municipality should be required to produce and seek approval of the urbanization plan within a specified time limit. These same measures would also apply to a reorganization plan for change in developed areas.

- Development plans: development plans should be prepared by the area municipality, after approval of the Regional Official Plan, for planning units at the neighbourhood scale. Development Plans should permit consideration of a wide range of design solutions to any site development and should be accompanied by development control legislation. They could replace both zoning by-laws as land use control measures and subdivision processing as a design control mechanism. Similar to Official Plans, Development Plans should be the result of full citizen participation in the area municipal planning process. In areas where regional government exists, the Regional Council would be the appropriate approval authority. In the absence of a regional government, such plans should be approved by the Minister. In all cases, there should be avenues open for appeals to the Ontario Municipal Board.

Official Plans and Other Instruments

A number of briefs commented on the relationship of the official plan to other planning instruments. In addition to concerns about observing the conformity requirement to official plans and the plan's role in guiding development, there was general agreement that official plans should spell out policies on municipal planning practices, particularly with regard to land severances, development control, acquisition of parkland and zoning. Some briefs went so far as to stress that municipalities should not be allowed to pursue certain actions unless they have provided adequate policies in their official plans. Criticism was expressed of existing legislation which only requires municipalities to have official plans in order to pursue certain controls (consents, 35a), but does not require the plans to have policies on these matters. The views on the plan's relationship to other planning instruments affirm the general position that the primary purpose of the plan is to provide some measure of guidance and assurance as to municipal planning intent.

1. Consents

A number of briefs indicated the need for land severance policies in official plans to guide land division committees and committees of adjustment in granting consents. A further recommendation was that provision should be made for municipalities to include within official plans policies to control the number of consents granted to any one person and on any one farming unit. One brief suggested that it should not be possible to grant consents which contravene approved planning policies. However, another comment indicated that, in practice, official plan policies do not seem to have much influence on severance decisions.

2. Development Control

Several briefs recommended that municipal policies for development control should be explained in the official plan.

- Official plans should designate the procedures and systems to be used in processing various aspects of the plan (e.g., approvals of subdivision plans). These statistics should include maximum time constraints on all phases of the system.
- Official plans should spell out policies on development control; the plan should be the vehicle to indicate reasons; municipalities should not be forced to defend their actions when based on an approved plan.
- Standards in the form of regulations must be set out in the official plan or be contained in regulations issued under The Planning Act. No control measure should be permitted which is not properly set out in one of these two documents. The Act should be amended to ensure this.
- Municipalities should not be able to control development unless there is an official plan; conversely, it was argued, the lack of an official plan or interim arrangements during plan review should not be used as a device to stall development.
- Unless a municipality has followed accepted practices, formulated clear policies, adopted them in an official plan and had that plan approved, it should not be allowed to exercise discretionary approval powers. A municipality should only impose conditions of approval in accordance with policies in an official plan. If the municipality tries to impose other conditions, the right to legal action similar to a mandamus should be available under the Act.
- An official plan statement dealing directly with development and redevelopment should be required as a guide to the practical application of section 35a (site plan control).
- If a municipality has an official plan containing general statements regarding architectural control and a municipally approved set of design guidelines with specific criteria to provide advance direction to applications, it should be able to exercise full architectural control over all matters, including building materials and facades.

3. Acquisition of Parkland

As a means of rationalizing the varying requirements for park dedication in subdivision plans, it was suggested that park requirements be related to an official plan policy which would be useful in guiding the location of dedicated park lands, their relationship not only to the subject development, but also to the open space system in the community as well as the determination of and acceptance of cash-in-lieu.

4. Zoning By-laws

The comments on the role of official plans in regard to zoning by-laws differed from those on other planning instruments, and indicated greater concern with the relationship of the functions of each instrument rather than with policies for guidance. Underlying these comments is an apparent confusion over the intended functions of each instrument. (See also Zoning By-Laws and Official Plans).

- It is open to question whether land use control should be part of the official plan or take place in a more legalized type of document such as a zoning by-law.
- Further recognition should be afforded to neighbourhood plans and less emphasis be given to zoning. The type of plan suggested would be more explicit than the present official plan but less detailed than present zoning by-laws.
- Zoning should be eliminated and development should proceed from a secondary plan, containing clear enough policies to cover zoning, to development control; problem of the legal status of the plan which now requires zoning by-laws to implement it. The plan should have greater legal status than zoning.
- A convergence of instruments is occurring as official plans become more specific and zoning by-laws become more general.

- Due to the public difficulty in differentiating between official plans and zoning by-laws, one document is recommended, possibly called a "development plan", to avoid the rigidity of zoning by-laws, and promote instead a one-document, stream-lined type of official plan more conducive to flexibility in response to rapidly changing technology and development criteria.
- Administrative problems are anticipated if zoning and a plan are combined in one document.

Public Participation in Official Plans⁸

The general criticism regarding the legislation on public participation in official plans is that the section of The Planning Act dealing with public involvement (12(1)(b)) is too vague, and requires clarification and specific direction on the responsibility to hold public meetings and publish information. Confusion over obligations for public participation has also resulted from the change, in some municipalities, from planning boards to council committees. One brief claimed that where planning committees are responsible for plan preparation, the degree of public participation has declined to the extent that some municipalities could ignore the public and still be in compliance with the Act.

To overcome some of these problems, one suggestion was that a special section be included in the Act to deal with the public participation component of the planning process. It was further recommended that the Act require participation at several stages during plan preparation - e.g., problem definition, goal establishment, policy formulation and policy re-evaluation.

Consideration should also be given to other forms of public involvement in addition to holding public meetings and distributing information. One recommendation was that plan preparation and amendment be conducted

8. See also, the section on Public Participation

via the public media instead of meetings. To assist in public participation activities, it was suggested that the Province support research and experimentation in such techniques.

Other suggestions related to public involvement were:

- The Planning Act should include a requirement that upon adoption of the plan, notices be published to inform the public of the application to the Minister for approval, how to get copies of the plan, and procedures for filing objections. Abutting municipalities should also be notified.
- For circulating the adopted plan, the Act should require that the plan be referred to "any affected party or government agency" instead of just the Ministry and municipality, to include the possibility of circulating to the public.
- The Act should be amended to require at least two copies of the official plan be lodged with the clerk in order to assist public accessibility.
- For circulating plan amendments, the time limit on municipalities should be extended from 30 to 60 days to permit community consultation.
- Whenever there is a change in land use (e.g., official plan amendment), the owner should be required to post a sign satisfactory to the municipality, stating the nature of the proposed change.
- Public access to and understanding of official plans should be facilitated by requiring periodic consolidation of amendments.

School Needs and Official Plans

9

Although The Planning Act requires that those responsible for the preparation of official plans should take notice of school needs, it was the general opinion of school boards that they were not being adequately consulted. School boards were concerned with broad land use decisions

9. See also description of School Boards under
Organization for Municipal Planning

in the preparation of official plans as well as with changes to the plans by amendments. Traffic densities of developments, the character of neighbourhoods and changes to them are all matters which affect school planning. Comments from school boards indicate a desire for much greater involvement in the official plan process:

- School accommodation guidelines used by school boards should be incorporated into official plans.
- School boards should be directly involved in the secondary plan preparation process. If they were, the development control process might be opened up.

Land Acquisition

Two concerns were mentioned in relation to the legislation allowing municipalities to acquire land to implement an official plan. One suggestion was that the section should clarify whether the acquired land would be in the name of the designated municipality (if land is outside municipal boundaries), the joint planning board (which acts through the designated municipality), or the local municipality in which the land is located. Another point made was that as a condition of sale, lease or disposal of such land, public notice should be required, in order to make such sales subject to public scrutiny.

SUBDIVISION PLANS

Concerns about subdivision plans focussed mainly on the matters to be regarded in draft plans, land dedication, conditions and agreements, financial issues, approvals (both the process and the authority for), public involvement, school provisions, mobile home parks and condominiums. The most frequently mentioned topics were land dedications, the approval system and the financial matters.

While one submission regarded section 33 of the Act as an adequate description of the requirements for subdivision approval, another suggested that requirements for subdivision approval should not be formalized in legislation but should be dealt with in regulations. One brief questioned whether sections 33 and 35 (zoning) had to be applied to all facets of construction.

Other specific concerns about subdivision legislation were:

- The Planning Act should be revised to provide the municipality with the power to authorize and prepare a Replotting Scheme for areas with older plans of subdivision with irregular lots, in order to facilitate economical development and infilling. The Replotting Scheme would cancel an existing plan of subdivision, register a new plan in its place, and redistribute the newly subdivided land among all owners on the basis of previous equity.
- The Planning Act should be amended to state that a new plan of subdivision is required when a municipality has deemed an old plan of subdivision not to be a registered plan.
- The Act should be amended to eliminate the phrase "linen tracings or transparent linen prints". Most duplicate originals are now on plastic base material.
- The Act should be amended to require the registrar or master of titles to forward a duplicate copy of the linen tracing or transparent linen prints with the plan number and date of registration to the local municipality affected.

Matters to be Regarded in Draft Subdivision Plans

Several suggestions were made to expand the list of items to be considered by the Minister before draft approval is granted. Many of these items were to afford better environmental controls. Suggestions included the following:

- Conservation Authority fill and flood plain regulations;
- Regional storm criteria for flood control;
- Setback standards from stream banks;
- Water conservation;
- Urban storm water retention standards;
- Erosion control;
- Definition and dedication of hazard lands;
- Water quality and pollution control;
- Preservation of woodlots;
- Designation of source areas or wetlands;
- Preservation of sensitive natural areas;
- Provision of grading master plan;
- Provision of lands for active and passive public recreation purposes;
- Assessment of financial resources of municipality;
- Provision of municipal social services;
- Assessment of housing stock need for type of proposed units;
- Type of buildings to be provided;
- Transportation implications;
- More comprehensive social and economic reviews on industrial and residential subdivisions.

Other related comments were:

- The statement in the Act referring to the adequacy of school sites in draft plans should be changed to "that satisfactory arrangements of such school sites has been provided", and that regard has been given to the adequacy of future school sites.

- The phrase "whether the proposed subdivision is premature" should be defined to indicate specific criteria for refusing approval on the basis of prematurity.

Land Dedication and Conveyance

Briefs concerned with land to be conveyed in subdivisions commented on the purposes for which such land is to be used, the amount of land to be conveyed, the criteria for designation and cash in lieu. Although there was general agreement among municipalities that the amount of land or money to be given to municipal authorities as a condition of subdivision approval should be increased, conflicting views were expressed on each issue.

Several briefs requested expansion of the types of land to be conveyed. Suggestions included: connecting park walkways; setbacks on rivers, streams and valleys; hazard areas; school sites; easements and public roads. A further recommendation was that lands exchanged between public bodies should be transferred free of charge; for instance, if a road allowance is required across a Hydro right-of-way, it should be transferred to the municipality without cost.

Other submissions indicated abuses of dedication beyond what is permitted in The Planning Act:

- The question of drainage ditches is becoming more contentious; a clause should be added limiting the lands required for this purpose, based on rational design criteria.
- Municipal government demands for road widening and rights-of-way dedications in excessive quantities should be eliminated.
- Parkland conveyance regulations are being abused by municipalities and are being used to reduce the supply of housing.

Comments on parkland dedications indicated that the amounts of land permitted under The Planning Act - 5% or one acre to 120 dwelling units - were not considered adequate. In addition, concern was expressed about not being able to acquire more land for park purposes when a site was being rezoned or redeveloped to higher density. Suggestions for increased amounts of land to be dedicated included: 8%, 10%, 2 acres per 120 dwelling units, in relation to density and based on a flexible scale according to specific circumstances.

The majority of briefs supported an increase in parkland dedication. However, other arguments were submitted, primarily from developers, to restrict the amount of land to be conveyed.

- Parkland dedication should be restricted to 5% and used for neighbourhood purposes; it should not be increased to contribute to regional park needs.
- Much park dedication is not warranted, and some of the land could better be used for schools.

As indicated in one brief, a more rational formula for parkland dedication and cash in lieu should be determined. One suggestion was that the Province develop standards for the amount of land needed for park purposes in different circumstances.

Several submissions offered specific criteria for the selection of parklands to be conveyed:

- Park requirements should be related to an official plan policy which would be useful in guiding the location of dedicated parklands, their relationship to not only the subject development but also to the open space system in the community as well as the determination of and acceptance of cash in lieu.
- The nature of land dedicated should be considered. It should be made clear that "useable" land should be provided. Dedicated land is

often in the wrong location, of unsuitable shape, and cannot be built upon. Municipalities should have the power to designate the shape, size and location of parks.

- Parkland dedication should only apply to tableland and not include designated hazard lands.
- Specifics about the amount of land to be conveyed should be removed from The Planning Act and dealt with in regulations.

Ambiguity seems to surround the interpretation of the legislation on cash in lieu of parkland (33:8). It is not clear whether the landowner must offer cash or whether he has a choice. Several municipalities requested that the section be amended to allow municipalities to impose the cash settlement where they so desire, without Ministerial approval.

Further confusion stems from the method of calculating cash in lieu. It was suggested that the value by which the levy is determined be controlled through The Planning Act, and that the Act clarify whether the value is to be calculated on the basis of all land, raw land, serviced land, developed land or market value. One suggestion was that the municipality and the developer appoint an arbitrator or a land economist to arrive at the value of the land.

Two further recommendations regarding cash in lieu were:

- The cash received by the municipality for parkland purposes should be allowed to be transferred to other accounts after a specified number of years.
- Cash payments in lieu of road widenings should be permitted, but earmarked for the stated purpose.

Conditions and Agreements

Comments on subdivision agreements indicated a strong conflict between municipalities wishing to expand the items to be included in a subdivision agreement and developers requesting protection from municipal "blackmail" extorted through the application of conditions. Part of the problem, one submission claimed, is the inadequacy of the municipal financial base to cover the variety of requirements now exacted from developers.

Briefs arguing for an expansion of requirements requested agreements to include payment toward capital costs, to cover municipal administrative costs from processing the application, and to indicate financial arrangements for purchase. It was also suggested municipalities be allowed to enforce agreements that relate to the consequences of social benefits or costs that the proposal will cause the community.

Other submissions which criticized the exercise of arbitrary municipal powers through agreements made the following statements:

- The nature of agreement between the developer and the municipality is wide open in terms of what the municipality may require and how provisions may be used.
- Municipalities use conditions as a means of obtaining both services and amenities for which the municipality as a whole should be responsible (parks, arenas).
- Municipalities impose standards on developers which go beyond the housing needs of the inhabitants and contribute to the rising cost of housing. Too often standards are determined in an arbitrary manner by local officials.

There were numerous suggestions from development interests that, as a solution to these problems, the Province should provide guidelines on agreements or uniform agreements and standards for servicing. One brief, however, suggested that rather than standardize agreements, municipalities

should have to justify charges. Municipal requirements and financial bases vary too much to be usefully defined by uniform agreements.

Other suggestions regarding conditions and agreements were:

- In connection with the Minister's powers to apply conditions (under Section 33:5), the legislation should be changed from 'may' impose to 'will' impose, to give more force of action.
- An agreement should lapse if the developer fails to begin and continue development of a registered plan within two years of its registration.
- School boards should be given agreement privileges as a condition of subdivision approval.
- Section 33(7) (reference of conditions to O.M.B.) should be amended to state the the O.M.B. will not consider developments for draft approval where municipalities can show that such development will require capital expenditures not within the municipal estimates in the first two years of a five year capital budget.

Financial Issues

Financial issues include discussion of application fees, lot levies, sale of land acquired for park purposes and sale of unregistered property. Comments indicate a need to rationalize fee charges and sales, with some briefs arguing to legitimize certain practices and others wishing to remain flexible in relating practices to needs.

Regarding application fees, briefs which supported an ad hoc approach argued that local taxpayers should not be required to pay the costs involved in processing development proposals; The Planning Act should be revised to make provision for the charging of fees for the processing of all development proposals, as the municipality deems appropriate. Contrary arguments for more defined practices included providing a

consistent fee structure for the processing of all development applications (subdivision plans, official plan amendments, consents and rezonings), and establishing a limit on fees. One brief suggested an upper limit of \$100.00, based on approval of regional council.

On the issue of lot levies, impost fees and other development charges, some briefs questioned the validity of these charges while a number of others suggested they should be provided for in The Planning Act and specifically, they should be included in subdivision agreements. Lot levies, it was claimed, are charged to avoid an undue financial burden on existing residents. The impost structure should allow for some flexibility in order that needs such as low income housing could be supported financially at local discretion.

Contrary opinions were:

- The Planning Act should be amended to limit the purpose of lot levies imposed by municipalities, and to make municipalities financially accountable.
- Impost fees should not be used to discourage development; they should subsidize the developments not the municipality.
- The Act should be amended to prohibit the imposition of impost levies as a condition of subdivision agreement. They are being used to raise funds for the provision of trunk facilities and the practice is sometimes improper as there is no guarantee that the funds will be used for the intended purpose. Also, the cost to the developer is being passed on to the purchaser and is resulting in increased prices for new housing.
- There is a need for ministerial review of lot levies.

Further concerns related to development charges were:

- There are differences in the "development charges" between subdivided lots and lots created by consent. If severance by consent is less costly, people will be encouraged to obtain lots by this method.

- Lot levies can be charged to new subdivisions but not to pre-zoned high density dwellings. There is an inventory of land, which is zoned so that it will not contribute its equitable costs. This situation could be changed under Section 359 of The Municipal Act.
- Funds necessary to provide ample amounts of serviced land should be derived through Provincial income tax revenues rather than through impost charges.

Regarding the sale of park land, recommendations included the following:

- Sales should be subject to an approved parks policy.
- The public should be notified of land sales and should have rights of appeal in order to make sale of public land open to public scrutiny.
- There should not be a time limit on disposal of park land, but Ministerial approval should be required on all land sales.
- Money from the land sales held in a special account for the acquisition of lands for park purposes should also be used for the development of recreational facilities.
- Ministerial sanction should not be required on the spending of money held in the special account for parks purposes.

In connection with the sale of land on an unregistered subdivision plan, (Section 34), one suggestion was that the Minister should be flexible in dealing with circumstances for making adjustments on a draft plan relative to abutting land not on a registered plan. However, another brief recommended raising the maximum fine in Section 34 associated with subdividing or selling land in accordance with an unregistered plan to \$5,000 or \$10,000. A third request was to indicate which government agency should institute legal proceedings against offending persons under this Section.

Subdivision Approvals

Comments on subdivision approvals focussed on the process and the appropriate authority to approve. One brief recommended revising the subdivision system, based on the following principles:

- The process for approval should be conducted in public;
- The approval function should be transferred to the lowest level of government capable of doing the job;
- The policy makers (elected councils) who have developed the municipal development policies should have the responsibility for its implementation;
- The approval system requires expeditious consideration of applications.

Many of these points are representative of the opinions which follow.

1. Approval Process

As indicated by the volume of comments on the topic, the subdivision approval process was regarded by many as an exercise in frustration, partly because of the time involved, but also because of the uncertainty and arbitrariness of the practices applied. As summed up in one brief:

- The approval process is extremely frustrating. Elected municipal officers have little understanding of the issues; small communities lack staff; holding categories in official plans are difficult to change and involve several consecutive procedures; numerous bodies are involved in approvals at the local level (planning board, council, citizens, O.M.B.). The system does not require the public to make a representation before a decision is taken and many persons use the appeal procedure as a means of expressing their opinion. An appeal can delay a project for months and in the end, the objector often fails to appear.

Small builders are said to suffer more from the long and uncertain time for approval of subdivision plans because it makes it difficult for them to buy lots from developers.

There was overwhelming agreement that the approval process was far too time consuming. Reasons given for the length and complexity of the process were:

- Too much red tape.
- Too much duplication resulting from recirculation of draft plans of subdivision to local agencies that have already been contacted.
- The length of time involved in resolving contradictory comments of the various ministries.
- The lack of enforcement of the 60-day time limit on response from consulted ministries.
- Staff changes at Provincial level leading to different interpretations of policy.
- Separate processing of amendments to official plans and zoning by-laws.
- Objections and O.M.B. appeals.

Suggestions to reduce delays and streamline the approval system included the following:

- Time limits should be enforced for the Province and municipalities, on circulation response and draft approval. If no response is received within a specified time, the subdivision plan should be deemed approved, or a right of mandamus for development should be provided. The time limit should also govern reference of conditions to the O.M.B.
- Approval in principle from provincial and/or regional government should be permitted so that developers can complete required studies with some guarantee that plans will receive draft approval.
- Processing should be localized in the region.

- Subdivision proposals should be considered and processed concurrently with any and all necessary amendments to local documents such as official plans and zoning by-laws; required circulation for comments should be handled as one package; procedures should be standardized to simplify a cumbersome process.
- Where there are conflicting opinions on particular subdivision, the Province, municipality, and the developer should meet as one group to resolve differences.
- Ministry and regional files on subdivision applications should be accessible to developers so that they can negotiate directly with the agencies concerned.

A further recommendation to make the processing of subdivision more efficient was to stage registration so that building lots could be brought on stream as the services are provided and that the market can absorb new lots. Another suggestion, however, was to phase development by registered plan, not by servicing.

Other concerns relating to the length of the approval process pertained to the time period allowed for draft plan approval and for registration of the plan. A number of conflicting views were expressed on this point:

- The expiry of draft approval of subdivision plans (3 years) should be extended.
- The time period for draft approval should be reduced to induce developers to move forward from draft plan stage to the registered plan stage. Within a three year period on any draft plan approval, capacity for the sewage treatment plant is allocated to that plan. If the plan is held up, other development could be held up in turn if there are restrictions on sewage treatment plant capacity.
- Prior to deciding to suspend or extend draft plan approval after three years, the Minister should be required to consult the affected municipality; the Minister's decisions should reflect that municipality's comments.

- In the case of a major subdivision that has been approved and zoned but has been held up for some reason, the proposal should be subject to public and municipal review after a lapse of 6-7 years, to reconsider present and future needs.

The second major concern with the approval system was the uncertainty and arbitrariness of the process. Problems included the following:

- Difficulty for developers in finding out concerns of various agencies;
- Difficulty of learning the cause of delays;
- Lack of foreknowledge of provincial policies and how they are interpreted by various civil servants;
- Minister's changes to plans after draft approvals.

The following recommendations were made to overcome these problems:

- The section of The Planning Act on subdivision (33) should be enlarged to elaborate the criteria which the Ministry follows in approving subdivision plans.
- Reasons for delays should be explained, and recommendations for the satisfaction of conditions inserted either as advice or as acceptable alternative opinions.
- If the Province changes a subdivision plan, it should acknowledge and be forced to explain its objections within a specific time frame. Objections to subdivision plans should be supported by reports.
- Since final registered plans occasionally differ from that actually approved by the municipality, the final plan should be initialled by the municipal clerk or chief planning officer, prior to its being approved for registration, in order to prevent last minute changes.
- The Planning Act should be amended to prevent Minister's changes to approved draft subdivision design and conditions of approval (as is now allowed under 33(12)), without the applicant's consent, as these changes can inflict enormous costs on the developer to undertake new work. The applicant may refer conditions to the O.M.B. for

arbitration before the draft plan is settled, but he may not appeal at the registration stage (re Section 44:3). Thus, if the Minister requires changes after the conditions have been agreed upon, the applicant has no recourse to appeal. It was indicated that the legislation dealing with this latter point (44(1) and 44(3)) was confusing and needed clarification.

- The legislation should spell out to whom applications should be referred. School boards and the fire marshall's office/fire department wish to be consulted.

Despite the concern about exercise of discretionary powers, some briefs called for a more flexible, less defined system.

- All properly submitted plans of subdivision should be circulated and assessed on their merits.
- Requirements for subdivision approval should not be formalized legislatively; it would be useful if Provincial regulations or guidelines were provided to promote an effective decision making process.
- The subdivision process should provide greater flexibility to allow for innovation and achievement of minimum standards.

2. Approval Authority

Regarding the authority to approve subdivision plans, the majority of briefs recommended a change in the present system to delegate approval powers to local municipalities, or at least to require that municipalities be consulted first before a plan is submitted to the Ministry or Region. Reasons given for these suggestions were to reduce time delays and avoid duplication of circulation and separate agreements with the local municipality and the region.

Several briefs specified conditions under which approval powers should be given to local municipalities:

- where the municipality has approved official plan;
- where competent staff is available;
- if there are clear and satisfactory guidelines available from the Province.

Some briefs supported the assignment of approval authority to the regional level.

- To quicken the approval process, subdivisions should not require Provincial approval in a regional municipality, except for review.
- Approval of subdivisions should be delegated by the Province, particularly in regional municipalities where both the region and local municipalities have planning staff. Initial application should be made to the local municipality, draft approval the responsibility of the region, and review undertaken by the Ministry only when objections arise from those to whom notice of the plan was served. Except for objections, final approval should rest with the regional municipality.

The majority of submissions however, claimed that delegation to regions had only resulted in delays and duplications, and the Province should rescind this authority and give it to local municipalities with a population over 25,000 or 50,000.

Given this preference for delegation of subdivision approval to the local level, greater limitations were advised for the role of the Province in the subdivision process. The appropriate function assigned to the Province in many briefs was primarily that of an arbitrator of conflicts. It was felt that disputes had to be resolved at a level removed from the local situation. However, there was no agreement as to whether objections should be directed to the Minister or the O.M.B.

Other functions suggested for the Province in the subdivision process included "consultation" and review, and then only by agencies directly involved in supplying services or facilities, on matters of Provincial concern such as highways and pits and quarries.

One further recommendation in regard to approval authority, was to allow committees of adjustment to approve small plans of subdivision (12 lots or less). It was felt this would help small, rural municipalities to develop in an orderly fashion where lots are desperately needed.

Notice and Public Involvement in Subdivision Approval Process

Subdivision plans can be approved without public notice and consideration by neighbouring residents and owners. The degree of public involvement suggested during the approval stages ranged from notification to public hearings:

- The Planning Act should be amended to provide for notification to property owners within 400 feet at the time Planning Board is considering its recommendation to Council on draft plan. (in rural and recreational areas, notification was recommended for all persons within 1,000 feet.)
- The public should be notified early of a subdivision application so social needs can be presented.
- There should be a public hearing prior to municipal approval of plans of subdivision.

School Provisions

Submissions from school boards indicated strong concerns about their role in the subdivision process and their ability to provide the required

facilities. There were numerous requests for greater involvement in the plan review system and for assistance in meeting school needs.

1. Role of School Boards

Suggestions for better co-ordination of school boards within the subdivision process ranged from requests for information to powers of approval and appeal. Views on these positions may be summarized as follows:

- Notification and consultation: several boards wished to be involved early in the subdivision process; receive full information on timing and staging of development, type and number of dwelling units and conditions of draft approval; be included in the circulation process; be permitted to report to planning board or council, and be notified of final draft approval and plan registration.
- Authority to approve: some boards felt they should have authority to select sites, impose conditions and to require the withholding of approval until school accommodation can be made available.
- Appeal powers to the O.M.B.: a few boards recommended provision to appeal where their conditions were not being met.

2. Provision of School Facilities

Other problems concerning school boards were in regard to their ability to provide the facilities required in subdivisions.

Suggestions for assistance included:

- Taxpayers should not pay developers a profit on school sites, therefore, sites to be used for school purposes should be sold to the school board at raw land value or at the same price paid by the developer.

- As with parkland, school land should be dedicated by the developer of residential subdivisions, or cash in lieu should be provided.
- A Province-wide school site acquisition formula should be established.
- Lot levies should be charged to developers to cover the cost of new school accommodation.
- In large developments, developers should build the necessary educational institutions and lease them to the school boards.
- So that subdivision developers share in the responsibility of providing school sites, part payment for lands purchased for school sites should be made through land exchanges.

Further requests from school boards were for the following:

- Financial assistance for control of subdivision grading so that municipalities do not use school yards to look after run-off waters from subdivisions.
- Careful planning of catchment areas; protection of students crossing arterial roads and intersections.
- Provision of sidewalks for students walking to school.
- Amending the Act to have regard for the availability of pupil places, prior to the approval of subdivisions.

Mobile Home Parks

Mobile home park developments are similar to residential subdivisions in their service needs, especially for school provision. Therefore, similar requirements to subdivision approval in respect of land use review and evaluation should apply. It was recommended that the Province should provide Mobile Home Park guidelines under The Planning Act. It was also suggested that mobile home parks be assessed under The Assessment Act to provide financial support for education costs on the same basis as other development.

Condominiums

Condominium applications are processed under the same section (33) of The Planning Act as are plans of subdivision. Some comments indicated that a number of the procedural steps required under Section 33 are not applicable to condominium approval and could be eliminated. Alternatively, it was recommended that a separate procedure for condominium plan review be provided.

Because of the late circulation of condominium plans, school boards receive short notice for provision of necessary school accommodation. It was requested that review procedures should prevent this situation.

CONSENTS FOR LAND SEVERANCE

Virtually no other sections of The Planning Act drew as many comments and criticisms as those dealing with land severance and Committees of Adjustment/Land Division Committees. While other sections required occasional clarification to explain apparent contradictions or confused meaning, these Sections (29,30,31,41,42) appeared to require clarification to be understood. In addition to legislative concerns, briefs commented on consent policies, sales and conveyances, utility consents, part-lot control, questions of title and lapsing of consents. (For a description of comments on Committees of Adjustment/Land Division Committees, see Organization for Planning.)

Legislative Concerns

The legislation on consents, Section 29, was described in numerous briefs as confusing, difficult to read, incomplete and of questionable merit as a planning instrument. The section was claimed to undermine the ability of the Land Titles Act to guarantee title and to punish the purchaser for the faults of the vendor. Suggestions were to rewrite the section so that it would be comprehensible; have consents dealt with in other portions of the Act or have consents removed from the Act altogether.

As indicated by the following list, specific criticisms of the legislation covered a myriad of topics:

- Clarification is requested of the phrase, "land abutting on a horizontal plane only"; (one submission suggested "lands that meet at one point only".)
- The Act does not define what constitutes a registered plan of subdivision (which all consents must be in accordance with). A proposed definition was" "If a plan subdivides and was, in fact, registered according to the requirements for registration at the time the

document was registered or deposited with the Registrar of Deeds, that it is in fact registered. Therefore, it is a registered Plan of Subdivision and as long as a Grantor is selling the whole of that lot or even the balance of the lot that he owns, then a severance is not necessary even though he may own the adjoining lot. If any municipality wishes to curtail any such sales, all they need to do is to declare any such Plan not a Plan of Subdivision pursuant to Subsection 29(3) of the Act".

- The legislation does not permit municipalities to exempt any lands from subdivision control, regardless of circumstances. Leases, existing buildings in urban areas, shopping centres, industrial complexes, multi-storey commercial and "hard-core" urban areas should be exempted from both subdivision and part-lot control.
- The definition of a registered subdivision plan should be expanded to include judges plans, municipal plans, compiled plans, plans of incorporation, township plans, historical lots of record or other plans by which lots are created and registered by statute; monumentation of reference plans should not be required.
- The merging of abutting land causes difficulties and extra applications when the land is redivided into the original building lots.
- Legislative provisions are needed to enable municipalities to eliminate "checkerboarding" and have ownership revert to original land owners.
- Some control should be devised to prevent land divisions of one block of land into more than two parcels of land by a single consent to conveyance.
- Clearer definition of which governments agencies are allowed exemption from subdivision control as Crown Lands, is required; school boards would like to be included in this category both for land purchases and sales.
- Confusion is created by attaching building permits to zoning and not to consent.
- The Act should be amended to allow a farmer who has separate deeds for land owned to convey one parcel without severance to a son who will continue farming the land.

- A copy of the by-law designating any plan of subdivision, or part thereof, to be deemed not to be a registered plan of subdivision, should be lodged with the clerk of the regional municipality, as opposed to only the Minister (Section 29(8)).
- There is no criteria established for the review of technical problems except as new applications (e.g., title problems where no change in land use is proposed; boundary encroachments or adjustments, sale of mortgage of semi-detached dwellings). At present, these problems fall under 29(a) (re: effect of contraventions) and this section is being abused.
- Provision should be made in the prescribed form for application for consent to include the name and address of any mortgages, holders of charges or other encumbrances.
- Concerning validation, an innocent purchaser who had no notice of any violation of the Act should not be penalized where the vendor had attempted to circumvent the Act.
- Section 29 should be amended to include the Condominium Act provisions.
- The Act should be amended to include a corrective section to approve all transactions which have occurred prior to the passage of other amendments.
- Section 29 should be deleted entirely so as to permit the conveyance of lands within the Province in any size or quantity that any party may desire. The legislation is intended to control development and not conveyancing. The deletion of this section would permit conveyancing to continue unimpeded. Development of land is best controlled by minimum standards for the issuance of a building permit being imposed by the Province. The present system has resulted in delays and added costs as well as the added expense to the public.

Consent Policies

A number of opinions were expressed on consent policies. Some briefs recommended strict controls, others felt overly restrictive policies

might have deleterious effects and a third group supported a more lenient approach. (See also Rural Issues and Organization for Planning, Land Division Committees, Committees of Adjustment)

Those who advocated strict controls on consents made the following points:

- Prime and second level rural land should be excluded from development or severance by Provincial statutes and not subject to municipal discretion.
- Only parcels of non-productive land should be severed; the total territory should remain in farm use. Second houses should not be severed; agricultural use should prevail through zoning and a second house should be treated as a non-conforming use.
- Growth should occur in adjacent villages, hamlets, or towns where there are services, not through severance; severances cause too much fragmentation of farmland and expensive strip development.
- Severances of agricultural lands should only be permitted for agricultural purposes, i.e., sold to other farmers.
- Severances should only be granted for immediate use and consideration should be given to invalidating unused severances.
- Severances for residential purposes should be strictly controlled, re: size, health requirements, etc. The intent of the privilege for "farm-related" severances is being violated and a number of these severed lots finally become so-called "estate" properties. Where there is a bona fide need for an additional dwelling on a farm, the requirements of the mortgage agencies (which insist on separate title), could be satisfied by treating the new dwelling as an addition to the existing title. Rural estates should be excluded from areas of prime foodland and carefully scrutinized before approval is granted.
- Severances should only be granted on the basis of the revised Agricultural Code of Practice.
- The Act should provide for a strong consents policy coupled with appropriate guidelines within which to operate. A consents policy should designate foodland areas, serviced lot areas, etc.

Other briefs expressed reservations about overly stringent consent policies:

- Although strict policies should control severances, there is concern about the effects of over-restrictiveness; need to be able to afford farming to be able not to sell; conversely, selling land to make a living is no way to continue farming; fear of placing undue financial penalty on farmers with non-productive blocks of land.
- Severances should be severely restricted in areas of prime farmland; however, retirement severances must be accepted, at least until either some compensation for agricultural land freezing is incorporated into the Act, or other building lots made available to retiring farmers at the value of agriculturally designated land.

A third group of submissions argued for a more lenient approach to consents:

- It has long been recognized in the Ontario political scene that special consideration be given to the rural landowner/farmer. This recognition has evolved almost to the point of social responsibility in dealing moderately with development proposals from long standing rural owners.
- Farmers are frequently being told by village residents what they can or cannot do with their land. Farm use should be the priority in planning, but planning should not place overly strict controls on severances.
- Not all farmers would agree on strict consent policies because of the profit that can be gained from land sales.
- Provincial policies on severances are irrational and completely inappropriate for a township with poor land unsuitable for any type of agricultural operation. The Province will not allow checkerboarding by severances, but in townships on the Canadian Shield, only certain parcels of land are useful because of rock bottom.

- The Province should designate Class 1, 2 and 3 lands for agricultural production and relax requirements for severances on poorer land.

Several briefs were concerned about policies to control the size and number of severed lots:

- Severances should not be smaller than the Ministry of Health requires. A large severance (e.g., 25 acres) becomes too difficult to maintain.
- The present legislation on rural land division could have bad effects in the future. The old system where a property owner could make at least three parcel divisions without subdividing was much better if some restrictions as to original size of property were imposed.
- Some control should be placed on farms which are divided into a number of parcels by such things as railroads, rivers, hydro lines, etc. as these divisions automatically create two, three or more parcels of land which can be conveyed without any approvals.
- Consideration should be given to permitting a limited number of suitably placed small lots (100' x 150') in rural areas. These will not affect agricultural production but will contribute to the maintenance of local roads and services and "add to the beauty of the countryside". Industries also should be spread to the smaller towns in order to distribute employment opportunities.
- The new rules regarding consents mean that rural areas must either get into the costly procedure of subdivision or cut the farm up into 10 or 15 acre lots. Government requirements are directly contributing to this.
- Guidelines should specify how many severances can be allowed from one original parcel of land, the maximum number of consents granted on such a parcel within a given time period.

Sales, Conveyances

Several comments were made about land sales and conveyances under Section 29, most requesting amendments to clarify intent or application. Suggestions included:

- Amending those subsections which deal with land when a consent is granted (29(2)(e) and 29(4)(d)) to clarify that both the parcel severed by consent and the remainder of the parcel may be conveyed.
- Clarifying in Section 29, the order in which an owner of adjoining lots may sell his land.
- Clarifying that, in respect to land abutting a parcel that is being conveyed (29(2)(b) and 29(4)(a)), where a river or stream represents the dividing line as to whether such river or stream is navigable waters under The Beds of Navigable Waters Act by which the bed of navigable waters are deemed, in the absence of an express grant of it, to be vested in the Crown.
- Amending Section 29 to preclude conveyances devised by a will.
- Amending the Section to provide that conveyances which are otherwise invalid are not so where a purchaser has taken reasonable steps to discover whether his vendor retains the prohibited degree of control of adjoining lands (e.g., where purchaser has extracted a sworn statement to such effect from his vendor).
- Amending Section 29 to allow that no conveyance in an interest in land shall be deemed invalid if the registered title does not reveal that the person making the conveyance has an interest in the adjoining lands at the time of the registration and the conveyance.
- Amending the subsection on foreclosures (20(5)(e)) to make it clear that it applies only to abutting lands in a mortgage of charge, not to all lands owned by a mortgagee; also exempting partial foreclosures and partial sales of the whole of one or more lots or blocks within a registered plan of subdivision unless it has been so designated under 29(3).
- Amending subsection on conveyance contrary to Section 29(7) to eliminate injustices by recognizing that everybody should be

presumed to contract with intent to obey the law rather than breach it; the section should specify that agreement is not void; however, no party shall have rights to sue for damages or for specific performance of the agreement until they are in a position to tender the property in compliance with the Act.

Utility Consents

Under The Planning Act, transmission lines are exempted from both subdivision and part-lot control. In addition to the exemption made for transmission lines, numerous briefs requested exemption for all utility easements and rights-of-way including telephone, telegraphic, television or protective service lines, water main stream or hot water conduit, or works for the distribution and supply of electrical power. (Note: provision has recently been granted to exempt utility consents from part-lot control.)

Part-lot Control

The main theme of the comments on part-lot control was to amend the legislation to exempt the sale or mortgaging of individual halves of a semi-detached dwelling from severance, without having to resort to the lengthy procedure of removal from part-lot control. One other suggestion was that where a municipality expropriates part of a lot on a registered subdivision, there should be preclusion of part-lot control. Either the consent should be granted as a condition of expropriation, or the municipality should bear the cost of an application for any consent required.

Title

The fundamental issue raised in regard to title was whether questions of title belong in a Planning Act. It was felt that corrections of title resulting from overlapping boundaries, inconsistent surveys, etc. should not require Planning Act approval. One suggestion was that Section 29 be amended to clarify the status of titles which may be in doubt as a result of their being created by various subdivision control avoidance techniques such as checkerboarding. Another recommendation was that to prohibit conveyancing without the knowledge of the "grantee", the Registry Act and the Land Titles Act should be amended as follows:

- A deed, conveyance, lease, release or quit claim shall not be registered unless the grantee, or other person for whose benefit such instrument was made, has signed such instrument as otherwise provided in this Act for a maker of an instrument.

Lapsing of Consent

The legislation dealing with the lapse of a consent after two years was considered ambiguous in every brief which commented on it. The general consensus was that the section should be amended to clearly define lapsing of consents, and that the two year expiry period should date from the time the decision of the committee or the Ontario Municipal Board appeal is final, rather than the time the certificate is issued, in order to limit the time within which conditions imposed by the committee are to be fulfilled. However, one opinion was that bureaucratic red tape alone could consume the two year period and therefore lapsing should be extended to three years.

Fees

There was general consensus that the \$50.00 severance application fee permitted under The Planning Act was inadequate. Some briefs suggested that the costs were too high; others suggested raising it to cover operating costs; eliminating a ceiling; charging \$100 to \$250; allowing municipalities to set their own fee; determining fees separately for each procedure, and having the Province subsidize the Committee.

Further recommendations were:

- The cost of appeals under Section 42(17) should be discussed with the O.M.B. and possibly put a fixed fee into the Act. The present fee of \$25.00 should be increased substantially to discourage frivolous objections.
- Local planning boards should be allowed to place a minimum levy on severances of \$10.00, not related to existing charges by the land division committee.

Conditions and Agreements

With regard to conditions, some briefs commented that the legislation gives municipalities too much scope in imposing any conditions the municipality considers "appropriate"; it was suggested that the term "appropriate" be more clearly defined. One submission stated that the section permitting committees to impose conditions be further elaborated to provide specific guidelines on the type of conditions required for approvals. A further recommendation was that except for road widenings, dedications of land should not be demanded as a condition of severance.

Other briefs endorsed widespread application of conditions. Requests for matters to be imposed as conditions included site plans, lot levies, cash in lieu for park purposes, land use restrictions, land fill and types

of fencing. It was also requested that the Act be amended to allow committees to incorporate conditions into an agreement enforceable against the land before a consent may be granted; (this recommendations has recently been passed and is now subsection 29(12a)). The lack of a time limit in fulfilling conditions before a consent is granted was raised as a concern, as was the legality of being able to withhold a certificate until the conditions were fulfilled.

Approval Procedures for Land Severance

1. Notification

Regarding notification of affected property owners, the regulations for notification under 29(11) were considered suitable only for urban areas and not for rural where distances between buildings are far greater. Suggestions for adequate notification included

- Posting a sign, clearly visible from the highway and indicating the file number, name of committee and telephone number, should be made mandatory on the lands to be separated.
- All assessed owners of farm land and buildings within 2,000 feet of a proposed separation should be notified. (Recommendations on suitable distance varied from 200 feet to 2,000 feet.)
- The Rules of Procedure as described by the Minister under Section 45 for both minor variance and consent applications should list individuals and agencies that must be notified by the Committee; the Act should refer to these Rules of Procedure.
- The minimum time for notice of 10 days for minor variance applications and 14 days for consent applications established by regulation should be made uniform and set at 21 days.
- The subsection requiring the Secretary-Treasurer to send the applicant a copy of the O.M.B. order on an appeal and file a copy with the clerk (42:19) should be deleted as this is already done by the O.M.B.

One dissenting opinion was that where a municipality has an approved official plan or zoning by-law, if the severance complies with either or both of these documents, abutting property owners need not be notified.

2. Hearing

The most frequently mentioned problem with regard to hearings was the time constraint of 30 days, imposed under 42(4) for hearing an application. Suggestions for an increased time period varied, but the general consensus was that there should be a maximum time within which a decision is rendered or is otherwise subject to appeal to the O.M.B. Other comments were that the legislation on hearings (42:7) implies that the applicant, his solicitor, and some of his employees may each speak in favour of their own application, and that committees should have the right to reserve decision until imposed conditions are fulfilled.

3. Appeals

With regard to appeals, the following points were made:

- The wording of the legislation on the procedures for appeal (42(13)) and where there is no appeal (42(14)) is imprecise and should be clarified; section 42(13) states that a notice of appeal may be sent, and section 42(14) refers to where no notice of appeal is given...;
- The legislation should require that the appellant must state his reasons for an objection.
- The O.M.B. should be required to set forth, in its order, its reasons for granting or refusing an appeal (re 42(18)).

- The requirement under 42(13a) for the Secretary-Treasurer of a committee to provide the O.M.B. with all papers and documents relating to the appeal filed with the committee, should be repealed.
- The O.M.B. order on an appeal should be sent by the Board and not the Secretary-Treasurer of a committee to the applicant, municipal clerk, appellant and planning board as well as to the Minister and Secretary-Treasurer.
- Appeals of severances should be limited to owners within a 15 mile surrounding area.
- Appeals against a committee should be in the office of the Secretary-Treasurer within a 21 day appeal period, as opposed to postmarked within that period and received later, as the legislation now allows (re 42:13).
- Section 42(14) should be reworded to state that "if within such 21 days no notice of appeal is "received"... (instead of given).
- Although The Planning Act provides that if there are no appeals from the decisions of the Committee of Adjustment, that decision is final. The same finality does not apply when an appeal is withdrawn. It is suggested that the decision should also be final as soon as the appeal is withdrawn.

4. Mail Problems

For a variety of reasons, the requirement to send notices of decisions (42:11) and of appeals (42:14) by mail created numerous difficulties. As a solution, it was suggested the method of notification be changed to some form of personal service (delivery, telephone, pick-up, etc.)

5. Issuance of Certificate

The legislation on the issuing of a certificate was criticized in a number of briefs for its ambiguity. Clarification was requested for the meaning

of the term "certificate" and the format for the certificate when the O.M.B. grants the consent. Apparently, if a decision approving a severance is appealed, no certificate can be issued by the Secretary-Treasurer of the Committee of Adjustment or by the Ontario Municipal Board, even in the event of a favourable Ontario Municipal Board decision. As there is always a possibility of a re-hearing, an appeal to Cabinet, or to the Court, this situation should be rectified because transaction of properties will always be attended by some risk. Furthermore, if a certificate is not deposited in the Registry Office, a subsequent purchaser has no means of knowing that an application has been approved.

Other recommendations on certification included the following:

- The Act should be amended to include standardization by way of regulation as to the form of consent, and that where consent is given in that form, it shall be valid and binding for all purposes notwithstanding any deficiencies in procedure or substance by the Committee of Adjustment.
- The legislation should state that the certificate only becomes valid when deposited in the Registry Office, and a duplicate registered copy is filed with the municipal clerk by the applicant.
- Conditions must be fulfilled before a certificate is issued.

ZONING BY-LAWS

Judging from the volume of criticisms, the zoning by-law appears to be one of the least effective of all planning instruments. Although it was considered suitable for the protection of stable areas, zoning was criticized most strongly as a development control device. In fact, on the basis of the number of comments, the conclusion could be reached that few areas remain static enough to justify the usefulness of zoning by-laws. Further comments on zoning were:

- Present zoning does not permit ready identification of significant natural elements, e.g., too general to protect fine old trees.
- Zoning by-laws have tended to become an instrument of discrimination and an indicator of property values.
- A "Control By-law" should replace zoning as a detailed, technical, self-contained legal document that spells out restrictions and standards governing land use for current permitted land use and changes and policies proposed in the official plan. The Control By-law should also identify the review objectives (similar to the present Section 35a) that will be used as the standard for approval in the development control process.

1. Adaptability

As with official plans, one of the basic issues regarding zoning by-laws is the conflict between the need for responsiveness and flexibility in planning instruments, and the need for certainty and precision. On the one hand, zoning was criticized for being too rigid, and on the other, for not being restrictive enough. Similarly, while some briefs argued for some latitude in zoning uses and practices, others pleaded for limits on discretionary approaches. At the root of the problem is the confusion

over the intended purpose(s) of zoning: whether it should be used for purely stable situations, or whether it can be made to operate effectively under conditions of change.

Briefs which argued for more flexibility in zoning by-laws made the following points:

- Zoning by-laws are too rigid and result in "nit-picking" at the implementation stage.
- The present zoning system is inadequate because of the inflexibility of setbacks and density requirements; zoning provisions also allow less choice for innovative development.
- Zone boundaries should be flexible enough to allow total densities to conform to a standard rather than to a map.
- Zoning by-laws should be provided with a percentage of flexibility clause which would permit administrative simplicity in dealing with extremely minor variances.
- Implementation of local planning by zoning by-laws may be appropriate for industrial and agricultural areas, but zoning by-laws are too restrictive for residential area development. Residential areas should be only zoned by density, and developed within the context of community or district plans. Rigid requirements for yards, setbacks, etc. are unnecessary.

Other submissions criticized by-laws for their lack of precision and certainty:

- Zoning by-laws are too subjective and open to interpretation.
- There should be clearer limits to the types of zoning controls imposed by municipalities.
- Different meanings for zoning terminology results in confusion; the Province should standardize zoning categories.
- The Regional Acts should require the regional municipalities to establish uniform regional standards for zoning by-laws.

2. Purposes

More briefs commented on what zoning should not be used for than what its primary function should be. However, a few briefs made the following suggestions:

- Zoning by-laws should impose restrictions on use of land and buildings only.
- Zoning should be used to ensure conformity and security of property values and land use.
- Zoning could be used to maintain stability in a developed area.

There was overwhelming agreement that zoning should not be used as a development control device. A number of briefs maintained that it was too inflexible for this purpose, that the zoning-rezoning process was too cumbersome, and furthermore, that it was misleading to the public. In fact, as one brief claimed, the greatest confusion in the public minds regarding planning instruments revolves around the misuse of zoning by-laws as a development control instrument and as an instrument of both policy formulation and implementation. A suggestion was that the major purposes of development control and zoning by-laws be recognized and supported in The Planning Act.

3. Scope of By-Laws

Comments on the scope of zoning by-laws indicated concern about the inadequacy of environmental controls, confusion over interpretation, and mixed views about the regulation of pits and quarries.

Several suggestions were made to expand the legislation to provide stricter environmental controls. Recommendations included:

- Tree cutting by-laws should be developed to maintain aesthetics, wildlife habitat, soil erosion control and some degree of climate control.

- Section 35(1) 3 (prohibiting development on marsh lands) should be expanded to allow municipalities to pass by-laws for prohibiting, regulating or requiring permission of the municipality for any specified use of flood plains, unstable slopes, hazard lands, sensitive areas, source areas, wetlands, aquifer recharge areas, for the dumping of fill and for any other such areas designated by the municipality for the conservation of natural resources or the control of flooding, pollution or erosion. On this issue, a contrary opinion was that with the wealth of knowledge recently developed about "hazard lands" and their abilities to support services, municipalities should be given more flexibility under the legislation to deal with certain questionable land types for development.
- Power to pass by-laws regulating gas transmission pipelines should be permitted to protect the drainage and control disturbances of agricultural land affected by pipeline installation.

Other briefs requested clarification of the legislation on certain points:

- The legislation should make clear the intent of the word "character" (re: regulating the character of buildings) and municipalities should be required to define clearly the meaning of their by-laws relating to such terms. A further request was to indicate whether or not the entire paragraph (35(1)4) was not superceded by the Building Code Act.
- With regard to the section prohibiting use unless municipal services are available, the term "municipal services" is confusing because, in addition to the traditional "hard" services, it could also include "soft" services such as schools, day-care centres, social services, etc.

Arguments over the zoning provision for pits and quarries (Section 35(1)6) ranged from whether this section jeopardized a much needed resource, to a request that the section be changed, not only to prohibit pits and quarries but also to specifically regulate them in terms of various

development standards. Other suggestions on this issue were:

- The section should be removed and covered in an official plan policy.
- The section should be amended so that it cannot be used as the legal basis for passing by-laws of a strictly regulatory nature with respect to pit and quarry operations, although it could still be used as the legal basis for giving effect to matters related to controlling the location of pits and quarry operations.
- The section should be clarified to indicate whether it can be used to prevent the extension of an existing pits and quarries operation.
- Pits and quarries should be treated as a non-conforming use and extraction as a legitimate land use.
- Land use planning considerations should dominate all decisions relating to establishment of pits and quarries.

4. Zoning Practices

A number of briefs commented on different zoning practices, particularly interim zoning, down-zoning, exclusionary zoning and the legality of certain techniques. A basic concern expressed in several comments referred to the abuse of discretionary powers exercised through zoning.

Opinions differed on the use of holding zones. One brief argued that while municipalities are reviewing permitted uses and standards, holding zones should be allowed where unacceptable zoning categories are in force. Others felt that the use of holding zones prevented approved uses from being known and resulted in uncertainty. It was suggested that the use of holding by-laws and similar devices for purposes of delaying decisions should be restricted, and furthermore, that time restraints be imposed on the use of such zones.

There was general agreement on the use of transitional or temporary zoning.

- The Planning Act should allow for the regulation of development by means of transitional zones for reasons other than inadequate municipal services. This would allow for a controlled rate of growth.
- Provision should be made for by-laws which permit temporary use of vacant land (other than for parking) for prescribed periods.

Downzoning, it was felt, should also be accepted, providing that downzoning proposals are accompanied by economic studies and compensation will be paid where it is shown that there will be a loss of development value.

A large number of briefs criticized the abuse of municipal powers exercised through exclusionary zoning or other inequitable zoning practices. Most were concerned with the use of zoning to exclude poor people. The following points were made on this issue:

- The Province should prevent municipalities from zoning out certain people by establishing minimum house and lot sizes that are beyond what could be termed as reasonable. Because The Planning Act is totally permissive, municipalities are not held accountable for these kinds of actions. The standards municipalities set are often arbitrarily based on the "taste" of the local planning board or council.
- One of the areas of law which many municipalities have abused is that of occupancy regulations. Many municipalities in Ontario have exceeded their legislative authority by imposing restrictions with respect to the social composition of households. In many instances, unauthorized exclusionary occupancy by-laws have had a deleterious effect on the community by denying residential rights to certain groups of people, or imposing severe and unjust restrictions on certain members of the community for reasons which have nothing to do with the health, safety or welfare of the community. The Province should clarify the extent of the powers that municipalities may exercise with regard to occupancy restrictions and should examine

the fairness of the enforcement of such by-laws. Occupancy by-laws that are vague and confusing, and which permit a municipality to dictate unreasonable and inappropriate restrictions should not be countenanced. The whim of a municipal council should not determine who can use property.

- Strict building and lot size regulations stymie those who want to build their own homes in Northern Ontario.
- Zoning powers have been severely abused by local councils throughout the Province. All too often municipal zoning by-laws discriminate against certain uses or classes of people, contain contradictory provisions, and illegal clauses. Some municipalities regulate the same use through several different by-laws, with no consistency as to minimum zoning standards. Often where municipalities are federated (e.g., in regions), taxpayers in one part of a municipality may be subject to far stricter regulations than taxpayers in another part.
- Zoning by-laws should not be used to legislate competition or protection by regulating the amount of commercial growth.
- Vacant land near existing industries has been rezoned for residential use and for high-rise residential buildings. This increases the intensity of pollution exposure.

Concern was expressed in a few submissions about the legality of certain practices. One brief pointed out the need for clearer limits to the types of controls imposed by municipalities. Another expressed reservation about a shift in one city away from an objective zoning system establishing rules in advance to a political system with "quixotic" judgements replacing specific rules. Specifically, it was recommended that The Planning Act legislation on zoning (Section 35) contain a legal basis for a municipality to impose density control conditions to zoning by-law approval, above and beyond floor space ratios related to the area of the lot and the floor space of the building.

Notification

Notice procedures for zoning by-laws were generally considered unsatisfactory:

- There is no requirement for notice until after the by-law is passed. This tends to create conflict rather than participation on the part of the public and adds to the time delay through creating unnecessary appeals.
- Presently, the Ontario Municipal Board may change the by-law and the affected owner would not necessarily realize how he is affected.

Suggestions for improvement included:

- The Act should require notification of impending zoning changes as early in the processing stage as possible, preferably before the planning board makes a decision.
- Notification and full discussion of implications of certain designations should be stressed during the official plan preparation stage, not at the zoning stage, as the latter is only carrying out the intent of the official plan.
- The present 400 foot requirement for notification should be amended to ensure greater public participation. The extent of the area of notification could be related to the scale, type and magnitude of the proposed development.
- The requirements for notice should be changed to persons on the last revised tax role or registered owners.
- Notice sent to affected owners should require them to proclaim their interest in a written objection, thereby cutting down on spurious objectors who live a great distance from a particular property.

- The provisions regarding notification should be amended to state: that where there is a zoning application before a municipal council, to change a piece of land from a designation permitting extraction to one not permitting it, such notice of application be sent to the proposed new Mineral Aggregate Commission for review and assessment so that the Commission can report its views, on the desirability of the application, to the council and to the Ontario Municipal Board.

Several references were made to the absence of regulations for notice under 35(24) (the Lieutenant Governor may make regulations prescribing the manner of notice, etc.) which make the provisions for the automatic effectiveness of by-laws under 35(25) not applicable. Instructions for notification were requested. One further suggestion was to consolidate into one sub-section the requirements for notification under 35(15) and 35(16) on land abutting a highway and land abutting a boundary between two municipalities.

Public Hearing.

Three recommendations were made in regard to public hearings:

- There should be a public hearing required by the Act prior to municipal approval of zoning changes. This is done in some places and frequently reduces the number of written objections upon formal circulation of the by-law.
- Local zoning changes should be heard by the local municipal council and should not require initial hearing at the regional level.
- The Planning Act should be amended to impose a time limit of between 30 and 60 days for the scheduling of a public hearing from the date of formal application to the O.M.B.

Approval

Most briefs recommended that approval of zoning by-laws and amendments should not be retained by the O.M.B. and should be delegated to municipalities.

- The zoning by-law could be passed and approved entirely by the municipality, provided it conforms to the official plan and with right of appeal to the Province.
- It is suggested that improvements to zoning by-laws (of a house-keeping nature) could be effected if provision were made in the Act to permit local Councils to pass general amendments without the time consuming requirements of mailing notice and Ontario Municipal Board approval.
- The Planning Act should be amended to permit municipalities without an official plan to avoid going to the O.M.B. for approval of zoning by-laws against which there are no objections.

Other comments dealt with the time problems in seeking O.M.B. approval and confusion over approval when there are no objections:¹⁰

- The time required to process zoning amendments when there is no appeal to the Ontario Municipal Board causes hardship to developers; where no appeal is received the by-law should become effective within a short time specified by Council.
- Much of the delay results from the Ontario Municipal Board's waiting for ministerial comments. Time limits should be established for comments by all agencies, including the Ministry of Housing, on zoning by-law amendments.
- The O.M.B. should make municipal officials accountable for undue processing delays on applications. Reasons for delays should be explained.

10. See also, The Role of the Ontario Municipal Board

- In the case of comprehensive zoning by-laws, where only specific portions are being appealed, the Ontario Municipal Board approval to the rest of the by-law should be immediate.

Several briefs considered the legislation on the requirements for O.M.B. approval (Section 35(9)), taken in conjunction with Section 35(22) (re: the by-law coming into effect where there are no objections), very confusing. The question raised was whether O.M.B. approval is required for all by-laws, or only those for which objections have been filed. This confusion was further compounded by the use of the expression "by-law coming into force" in 35(9) and into "effect" in 35(25). It was requested that interpretation of "force" and "effect" be resolved. It was further recommended in a number of briefs that if there are no objections to a by-law and if all rules, notification, etc. have been observed, the by-law should take effect automatically. The Lieutenant Governor in Council should make regulations under Section 35(24) to make this provision come into effect.

With regard to zoning approvals in correspondence to the official plan, it was claimed that the legislation deems the O.M.B. approved by-law to be in conformity with the official plan, without specifically requiring the "implication of that approval being reflected in the plan". A member of the public supposedly could have no opportunity to know of the existence of a project so approved if he reviewed the plan document. An amendment to the particular section, 19(3), should ensure project approval is integrated into the municipal system.

On repeals of or amendments to a by-law, clarification of the legislation (35:10) was requested to indicate that approval of the O.M.B. was not a condition precedent to the enactment of the by-law and once the O.M.B. approval was obtained, the by-law was in force as of the date of enactment.

Appeals

Most of the comments regarding objections were concerned with reducing frivolous appeals. The implication was that the present system makes appeals too easy and entails too little responsibility on the part of the objector. Suggestions to correct this included the following:

- Objectors should be required to send a written brief explaining their reasons for appeal and a cash deposit which would be returned when the appellant attended the hearing.
- The Planning Act should specify that only those persons whose enjoyment of their property is affected by the proposed by-law should be permitted to object.
- A "hearing of discovery" should be held prior to a full public hearing.
- The Minister should pass regulations setting out the terms by which an objection could be judged frivolous, not in the public interest, etc.
- The O.M.B. should impose costs on an objector who fails to appear at a hearing.

Regarding applicants' appeals on rezonings (35:22) or site plan agreements (35a:6), the 30 day time period allowed for municipal review was considered inadequate by municipalities for proper consideration of the application, public review, circulation to other departments and normal processing. It was suggested that the period be extended to 60 days, or by mutual agreement of the municipality and the applicant.

One further comment was that on Minister's zoning orders, the provisions for appeal should apply as if the amendment to the order was an amendment to the restricted area by-law passed by a municipal council. Zoning orders are in effect replacing municipal zoning by-laws and should come under the same public scrutiny as if they were passed by local councils.

Relationship to Official Plans

Varying opinions were expressed on the role of zoning by-laws in conjunction with official plans. (See also Relationship of Official Plans to Other Planning Instruments). Comments on this topic included the following:

- At present, the zoning by-law is seen as an even more important planning instrument than the official plan. These by-laws are more like planning tools because they are frequently the most significant obstacle to overcome in obtaining approvals for projects.
- Zoning appears to be a more effective tool than official plans in carrying out the objectives of a conservation authority.
- The Act should emphasize that the main purpose of zoning by-laws is to implement official plan policies. This may require some important changes in the Act or other provincial legislation because it is now necessary to implement land use designations and policies of official plans through means, some of which are inappropriate and inadequate.
- Although by-laws must conform to official plan, most are approved with little or no reference to the official plan. This is due to the rigidity of the official plan and amendment approval method.
- Zoning should be reserved for the neighbourhood plan and be expressed in terms of densities in proposed residential areas.

Fees

In some municipalities, a large proportion of staff time is devoted to the processing of zoning by-law amendments. The practice of charging fees for such services varies. Suggestions on this matter were: municipalities should have power under the Act to charge for rezoning applications; fees should be standardized; a maximum fee should be set; the charge should relate to the cost of handling the applications.

Enforcement

Several briefs expressed concern about zoning contraventions. Suggestions were made for stricter and more effective methods for by-law enforcement.

- Zoning by-laws should have more intensity; in some areas there is a feeling that by-laws can be contravened without impunity.
- Legislation should be enacted to enable municipal officers to enter buildings for the purpose of enforcing zoning by-laws.
- A procedure similar to traffic enforcement procedures should be permitted, in which by-law enforcement officers issue tickets or violation orders which carry automatic penalties that could be paid out of court. Current enforcement procedures are too expensive and too onerous for minor violations.

Zoning and Schools

As school requirements are affected by zoning changes, school boards were concerned about adequate consultation in the zoning process.

- Consultation with school boards is not specifically required under The Planning Act. Although the Act provides that a municipality in a by-law may prohibit the use of land unless municipal services are available, the municipal service in question need not include adequate school accommodation.
- It is suggested that provision be made in The Planning Act for school boards to have control over land use designation changes shown to have adverse effect on school planning and operation.

Specific recommendations regarding school needs included:

- Legislation should require that in new developments, land be designated as school sites and zoned either institutional or some other appropriate category. This might eliminate land speculation and overcome the problem of inflated prices for school sites.
- Notwithstanding the provision of any local zoning by-law, The Planning Act should ensure that school boards are empowered to construct, lease or otherwise provide educational facilities in any part of its jurisdiction whenever the need is evident.
- Where school sites are not required, land should be available for development through rezoning.

Non-Conforming Use

Concerns about non-conforming use (Sections 35(6) and 35(7)) stemmed not only from confusion with the meaning of the legislation, but also regarding its applicability. One criticism was that it was not clear whether the present protection of non-conforming use constituted a denial of the jurisdiction to prohibit the existing use of the land, building or structure, or whether jurisdiction to regulate non-conforming use was being denied. If regulation is permitted, it should be explicitly defined. A second point was that the section did not adequately define non-conforming uses in terms of continuance or cessation of use after partial damage. Suggestions were that the Act should provide for termination of legal non-conforming use, and the legislation should require that after destruction of a non-conforming building to 50% or more of its value above grade at the time of destruction, the building may only be repaired or rebuilt and used in conformity with the current by-laws.

Minor Variances

The comments on minor variances were primarily concerned with the need for minor variances, the ambiguity of the legislation and with suggestions to improve procedures.

Three different opinions were offered on the need for variances:

- Variances afford equitable relief from the undesirable effects of zoning by-laws; without variance provisions zoning by-laws would become so full of exceptions and special provisions as to become unintelligible.
- Zoning should be more flexible and if some form of permit or site planning control is introduced, the need for minor variances would disappear.
- Instead of permitting minor variances, formulating a series of classes of uses is recommended, in which case the occupant would be permitted to engage in any use within a class, but no other.

A number of briefs requested clarification of the terms "minor variance", "general intent of the zoning by-law" and "enlargement or extension" of a building. Recommendations to define minor variances included:

- The section 42(2) should be reworded to state "where any land, building or structure, on the day the by-law was passed, was lawfully used..." so that it is comparable to the legislation on non-conforming uses.
- The section should describe a variance as one which in the opinion of the committee is "reasonable".

Other submissions dealt with variance procedures, recommending changes to rationalize and/or speed up the process;

- The onus for establishing non-conforming use should be placed on the owner who should be required to register his use within three months after the by-law was passed making his use non-conforming; disputes could be subject to appeal to the Committee of Adjustment.
- In many cases, the committee of adjustment is asked to legalize new construction after it has been built. The violation often constitutes a minor variance. Changes in procedure could eliminate this situation.
- Under present procedures, applications for minor variances, e.g., a few inches of a sideyard deficiency, require the same amount of time as greater variances. There should be a simplified procedure for processing minor variances. It is suggested that the Secretary-Treasurer or Building Commissioner issue "letters of relief" from the by-law provision in such instances. A fee for such letters may be prescribed.
- Where there is some question about the zoning line but the committee does not feel there is sufficient reason to warrant a by-law amendment, the committee should be able to adjust the zoning line.
- The Planning Act should specify the general factors to be considered by a committee of adjustment when it considers approval of applications to enlarge buildings accommodating minor variances.
- Provision should be made for building inspectors, with or without committee members, to have authority to approve very minor variances without formal application being made.
- Where both a variance and consent are required, the legislation should indicate which consideration comes first. Procedures should be established which eliminate unnecessary handling of applications. Views on this were: (1) there is no need for the variance until the consent is granted; (2) consents and variances should be heard at the same time; (3) the severance should not be dealt with by the land division committee until any variances have been approved by the local committee of adjustment; (4) severances and variances should be handled by one committee. (See also Organization for Planning, Land Division Committees and Committees of Adjustment.)

- Applications for variances should not have to be circulated to other agencies since the applicant has the opportunity to appeal a committee's decision. This would streamline the process.
- The 21 day waiting period after a variance is granted before it becomes official should be reduced to 14 days. Extending the time period would be a waste of time, often to the serious disadvantage to the applicant.
- The appeal period on committee's decisions on variances should be reduced from 21 to 7 days, where there are no interested parties besides the applicant at a hearing.
- Suggestions for fee charges on variance applications included deleting the charge, raising it to \$100. and requiring a definition of the purpose of the fee.
- Where an application for minor variance results from a structure having been placed on a lot in a manner which violates the by-law, the committee should be empowered to inflict a penalty.
- The decision of the committee should specify all the details in the decision. The decision should not merely say "the request for a minor variance is granted".

DEVELOPMENT CONTROL

Numerous briefs commented on development control, some requesting wider scope and more flexibility, others concerned with the exercise of too much latitude and municipal discretion. On the one hand, fear was expressed that a flexible system of development control posed dangers of subjectivity: without written indications of densities, etc., overdesign of amenities and support services could occur. On the other hand, encouragement was given to provide municipalities with more powers of development control, specifically in regard to social criteria, the appearance, siting and spacing of buildings, and in allowing greater discretion to staff in issuing development permits.

As indicated previously, there was unanimous agreement that zoning did not function adequately as a development control device. The use of zoning for this purpose was criticized for the following reasons:

- Zoning by-laws are too restrictive and inflexible.
- They do not work well for areas in transition.
- They are not useful in guiding growth in undeveloped communities.
- They do not readily deal with the rate at which development takes place.
- They constitute a cumbersome and time consuming procedural method involving preparation, amendments and appeals.

On this latter point, numerous problems were cited in connection with rezoning as a form of development control.

- The use of zoning amendments as a form of development control has fostered public cynicism in that the public belief that zoning by-laws prevent the intrusion of undesirable uses into stable neighbourhoods has been shattered by the actual timing of construction of private development.

- The zoning-rezoning process allows for greater public involvement. However, since it allows citizens to comment on every project, and since rezonings on one spot affects all surrounding parcels, it is not effective in co-ordinating development.
- Too much time is wasted on consecutive and separate processing of subdivisions, official plan and zoning amendments; also, because citizens are not notified of subdivision developments and rezonings occur only after draft approval, final circulation of the by-law frequently results in an O.M.B. hearing at the end of the process.
- There is no clear authority for a municipality to attach conditions to the approval of a rezoning.

To improve the operation of development control, numerous recommendations were offered, ranging from corrections of specific problems to entirely new approaches. A number of the proposals recommended statements of intent or criteria for development control to be set out in the official plan. As expressed in one comment, there should be a way of designing a development control system which spells out in sufficient detail the nature of the circumstances under which development will be permitted, the limitations with respect to performance, etc., so that open discretion will not be permitted.

Suggestions for development control included the following:

1. Improved Procedures with Rezonings

- Zoning and official plan amendments should be considered concurrently with draft plan approvals and public involvement should occur at an early stage. The public should be notified before the by-law is passed.
- For rezoning applications, municipalities should be permitted to impose, as a condition of approval, a five-year limit of the approval and a zoning category to which lands would revert if the approval was not acted upon during that time. This would tend to de-emphasize some of the speculative habits of some landowners.

- Section 35 should be amended to impose conditions including park dedications and cash in lieu as a condition of rezoning.
- In areas undergoing considerable development or redevelopment, a zoning by-law amendment could be made designating an area as a development control area where the conditions of site plan agreement could amend the standards set out in the zoning by-law. Any change in use would still require an amendment to the by-law.
- The process of bringing lots on stream could be accelerated by zoning only at the neighbourhood plan level, using flexible zone limits to minimize the number of rezoning applications caused by premature zoning at the official plan approval stage.

2. New Approaches

- The system of preparing zoning by-laws amendments to control development should be discontinued and Section 35 removed from The Planning Act. In its place a more flexible system of development control should be provided for.
- Instead of zoning, a by-law providing the framework for more detailed development controls, tailored for the specific needs, should be considered.
- In certain municipalities designated by the Province, particularly in areas of change, a two stage approval process should be considered. The first stage would involve checking the application for conformity to approved land use policies, and the second would be a detailed site plan review.
- For development control, a zoning by-law could be used to delineate permitted uses, density and height, with all other matters defined further through the development control process. For this purpose, there should be a policy statement setting out the type of development intended, and the principles of design and standards that will generally be applied.
- Where an official plan is in effect which contains proper criteria for guiding development, site specific development control could replace

zoning. Such "site specific" development control, unrelated to zoning by-laws, is considered necessary for orderly development in recreational and environmentally sensitive areas when temporary holding by-laws are in effect.

- For large-scale development and redevelopment, it should be possible to provide for "areas of development control" within which the specific standards of zoning by-laws would be replaced by the application of stated policies regarding density, open space, mix of uses, etc. A comprehensive design plan would then be the basis of the resultant approval process. Techniques such as "planned unit development" or "impact zoning" could be the planning tools used.
- A development by-law should be considered which would indicate principles of site development, would clearly define important standards such as uses, density and possibly heights of buildings, but would leave flexible most other requirements such as yard requirements and other standards of site development which could be covered by site plan approval. In this way, the developer would have the knowledge and assurance of what he could build and at the same time, flexibility could be built into the system without having to change the by-law. Appeal would be permitted to the O.M.B.
- A new procedure for development control should be considered which uses site plan by-laws to approve land division of blocks of land and the location of buildings and property lines. The old concept of standard side yard and front yard requirements and lot configurations can be varied, and the revised concept of dwelling densities within a block of land with varying lot sizes should be encouraged.
- New development control legislation should provide for preparation of neighbourhood scale plans called "development plans" by municipalities. These plans should include consideration of design solutions to site development. These plans could replace the subdivision process as a design control mechanism as well as zoning by-laws as a land use control measure.
- "Planned development areas" should be declared in which development takes place through a permit system. The permit would include a review of the timing of development, allocation of servicing capacity and a provision for appeal.

- Appropriate development control devices could include holding by-laws for undeveloped areas, development permits, land use contracts, and agreements to allow mixed or special uses on a specific site to be registered on title.
- A choice should be permitted between a definitive and detailed development control by-law or a development approval process in conformity with a secondary plan or detailed site policy.
- To encourage the preservation of significant buildings, transfer of development rights should be considered wherein the owner of a parcel of land intended for preservation could, with the approval of the municipality, sell to any number of other property owners the degree of which the subject property could be developed. In exchange, the municipality would receive assurance by way of agreement to guarantee the future preservation of the property and any existing buildings or structures.

Two further suggestions related to all development control procedures were:

- Public notification and policies for development should be required when an area of development control is designated.
- To deal with the problem of controlling the rate at which development takes place, particularly the built-up areas, legislation should permit direct regulation of overall rates of development activity in any defined area of the municipality.

Site Plan Control (Section 35a)

A number of briefs commented specifically on Section 35a as a development control device. In addition to concerns about its adequacy, suggestions were made to change its provisions, agreement and amendment procedures. As witnessed throughout this report, comments on 35a reflect the recurring conflict between the fears of discretion and the inadequacies of defined limitations.

1. Adequacy of Site Plan By-laws

Despite numerous arguments to expand the scope of its provisions, 35a was strongly criticized for its potential arbitrariness and its unsuitability as a development control device. A major concern was that this section permits powers to be exercised without requiring specific policies to define their use. Briefs commenting on discretionary powers made the following points:

- The Planning Act should be clearer about the discretionary powers available to municipal Councils under Section 35a. To the extent that a Section 35a by-law is open to discretion, it is a movement away from rule of law. A municipality must spell out explicitly in advance in a by-law what it intends to do and why.
- There is concern about the extent of control over development without adequate guidelines to determine how applications should be judged.
- Section 35a fails to provide a reasonable degree of development stability by safeguarding owners rights.
- Section 35a does not clarify if it is necessary to adopt all matters listed in 35a(2) or if it is mandatory to apply those requirements uniformly to every development. If a municipality does not include all the controls in every instance, a bias could be interpreted and questioned on the part of the municipality. In the instance where a municipality considers an agreement unnecessary, it could be questionable whether the municipality can exercise discretion with respect to its own by-law.
- The Planning Act does not require a municipality to have formulated clear policies pursuant to which development control under Section 35a will be exercised. An official plan is required but it may be inadequate; it can be a two-page document prepared in 1948 and entirely irrelevant in 1976. Section 35a development control should, therefore, not be exercised where policies are lacking.

The permission to use Section 35a "where there is an official plan in effect in a municipality" has been interpreted to mean that despite the fact that an official plan may only cover part of a municipality, the whole municipality can be considered to be affected by the legislation. The legislation should clarify this point.

- There is concern about the limited scope of citizens for review in Section 35a(2).

As a development control device, Section 35a was also condemned because it is awkward, too restrictive, and because it does not afford enough control:

- Section 35a is a restrictive and constraining instrument rather than a management tool. The amount of control under this section should be reasonably limited.
- Section 35a is cumbersome and difficult to use in meeting "private" planning objectives.
- While the principle of a negotiated review and agreement in 35a is considered admirable, the finite set of development control matters in 35a(2) appears unnecessarily rigid and insensitive to the complexities and variations in the types of control required for different development.
- Although the intention of Section 35a is thought to control development and redevelopment, it does so only in the most minor extent. The operation of the section excludes many important requirements for more intensive developments.
- The different levels of control required for developments of varying scale, impact and consequence are not adequately met by virtue of the limited powers of review conferred by Section 35a(2).
- Section 35a can be used by the municipalities to forge development by making the site plan approval process so cumbersome that the only recourse is an O.M.B. hearing.

- There already is a whole chain of authority and procedure for subdivision approvals. It would appear that these procedures are less cumbersome and preferable to the method employed under Section 35a and 35b for rezoning.
- Section 35a only defines development and not redevelopment. It does not appear to cover situations where there is a change in the use of land but not buildings (e.g., where a service station is changed to a car sales outlet).
- Perhaps the most serious deficiency in the provisions of 35a is the lack of legislative authority for municipalities to impose financial and other conditions.
- More staff is needed to carry out the Section 35a program. Small municipalities should not be encouraged to use Section 35a.
- Site plan agreements are superior to Section 35a control; therefore, The Planning Act should acknowledge site plan agreements.
- Section 35a should be deleted; detailed district plans would obviate any need for detailed site plan agreements.

To overcome some of these problems, the following recommendations were made:

- An official plan statement, dealing directly with development and redevelopment should be required as a guide to the practical application of this section. Although this requirement is implied by the existing legislation, it could be further clarified by additional statements so that the Minister may be satisfied that a municipality wishing to exercise development control powers is advanced enough in its planning "to justify the exercise of such specific and potentially arbitrary controls".
- Provision for community input should be made in Section 35a. It would seem desirable to open up the development control process to obtain views from surrounding landowners and the community.
- The inadequate procedures of this section should be replaced by procedures similar to those employed for plans of subdivision or by performance standards.

- Other methods of development control should be provided in the Act, including holding by-laws and/or controls over the rate of aggregate development.
- 35a should allow appeals to the O.M.B. on site plans.
- In order to place limits on the discretion provided for, and to remove the potential for arbitrariness, 35a could be appropriately implemented through the specification of guidelines or performance criteria as may be adopted by council. Such guidelines would be the appropriate means of providing guidance without injecting rigidity into a 35a by-law.
- The Planning Act should make clear what discretionary powers a council will obtain through 35a.
- A municipality should be required to state their requirements objectively in order that a property owner can proceed with some certainty. There should be a limit on the time required for this statement and execution of the agreement between the municipality and the landowner.
- It would be useful to clarify section 35a regarding the type of by-law required and to provide the development control in clearer language.

2. Scope of the By-laws

Although one submission advised that the items regulated under 35a(2) should not be increased, several briefs recommended expansion of the provisions to give municipalities greater powers of control over:

- Environmentally sensitive areas;
- Additions to buildings;
- Scale, massing, character and height of buildings;
- Density and noise factors;
- Fire hydrants;
- Signs;

- Alterations and reconstruction of municipal services and roads within and outside the applicants' lands affected by the development or redevelopment;
- Road widenings without encumbrances, including legal and surveying services without charge to the municipality;
- Perspective drawings and plans for residential buildings, such as town houses, containing fewer than 25 dwelling units;
- Blocks of land with common areas of a minimum $\frac{1}{2}$ acre.

One further recommendation was that this section be redrafted to allow municipalities to control development on any facilities or any matters within their legislative jurisdictions except use and density - these requiring "certainty before the law" which zoning by-laws now provide.

There was considerable disagreement and concern over the legitimate exercise of municipal control over design features presently included within the scope of 35a. On the one hand, it was argued that if a municipality had an official plan containing general statements regarding architectural control and an approved set of design guidelines, the municipality should be able to exercise such control. On the other, there was fear of abuse. The problem with site planning techniques, mentioned in one brief, is that personal preferences can have a subjective effect over the determination of good design. Furthermore, it is not clear from Section 35a the full extent to which architectural design control (including such aspects as facades and building materials) may be practised.

A number of architects were concerned about the imposition of urban design control through zoning by-laws, or by unqualified civil servants or politicians through site plan by-laws under Section 35a. Although it was recognized that municipalities may have a legitimate role in controlling the form, mass, bulk and appearance of development, architects were concerned as to how this control is exercised. They recommended that it should be done with the aid of an Advisory Committee composed of professionally qualified members of the community (architects, landscape

architects). Furthermore, in view of the wide controls already permitted, they suggested that it was not in the public interest to extend the authority of a municipality to include discretionary design control.

Contrary opinions on this issue were that 35a does not provide enough design control powers and, conversely, that design control should not be exercised by planners but by the marketplace.

Two further suggestions regarding the scope of the by-laws were:

- The Act should clarify whether the powers to regulate under 35a exceed the authority of a zoning by-law in such matters as the provision of access routes or the surfacing of driveways.
- "Maintenance and Use" should be removed from the development control section (35a(2)) and relocated under the Property Standards Section (36(3)), provided this latter section is amended to give municipalities authority to maintain or enforce maintenance to more specific standards.

3. Site Plan Agreements

Comments on site plan agreements under 35(a) included the following suggestions:

- Section 35a should be amended to require local municipalities to circulate development control applications to the region and to impose such conditions as the region deems necessary; regional governments should be able to enter into agreements with the applicant on development control applications.
- Local councils should be given the discretion to decide whether a maintenance and use agreement or a development agreement is required, and municipalities should be released from any liability with regard to grading, drainage and other matters shown on approved plan(s).

- Maintenance and use by-laws and agreements in the development control process are unnecessary. The proper section of The Act for dealing with maintenance and use problems is section 36, Maintenance and Occupancy standards.
- The legislation requiring owners to enter into agreement should be amended to include tenants as well.
- Where an owner does not comply with agreed upon site plan requirements, the municipality should be given the right to carry out the work and charge the cost to the owner's property tax.
- Legislation should include a two-year limit on site plan agreements and five years on a rezoning application, at the end of which time, if no development occurs, the agreement would expire.

4. Site Plan Amendments

With regard to the site plan by-law amendment procedure, the repetition of the entire by-law approval process was advised to be restricted to only major aspects of a project such as height, density and particular provisions affecting the protection of neighbours of a project. All other matters should be dealt with in a single process requiring the decision of only one political level.

BY-LAWS PERTAINING TO BUILT STRUCTURES

Maintenance and Occupancy Standards, Section 36

One brief dismissed this section stating it was of no value once the new Building Code was enforced. Other concerns were in regard to the cost incurred by the municipality for repairs under Section 36(21). Although the Act provides that the municipality has the right to demolish or repair property when an owner does not comply with an order, the municipality has no means of recovering the cost. Suggestions were either to use the provisions of Section 37 allowing a recoverable grant or loan to the owner or to levy a charge against the land in the same manner as taxes. One further recommendation was that maintenance and use by-laws and agreements should be dealt with in this section, not under development control as the Act now permits.

Demolition Control, Section 37

Two concerns were raised in connection with demolition control. One comment suggested that historical buildings should be subject to the same demolition control as is now afforded to residential property under 37a. This control should be made applicable to any government agency or government body. A second brief complained that the enactment of a by-law under this section was blocking a school board from fulfilling its statutory obligations to provide schools where land required by the board was in a residential area which would necessitate expropriation and demolition of houses in order to build the school.

Building By-laws, Section 38

While one brief recommended that this section not be repealed because of the new Building Code Act in that there were several residual powers left to the municipality, another suggested the new Code made Section 38 redundant except for the following provisions:

- Regarding information on cellars;
- Establishing grades of streets and levels of easements;
- Prohibiting obstruction of halls, aisles, etc., during the occupation of the building for public assembly;
- Requiring an owner to repair land in front of commercial buildings;
- Authorizing pulling down buildings in ruinous state at the expense of the owner;
- Inspecting and regulating electric wires;
- Control of termites, etc.

Two further suggestions were:

- The regulations of the construction of sinks, cesspools, drains, etc., should be the control of the Area Health Unit.
- Building by-laws and provisions may be more suitably included in The Municipal Act.

URBAN RENEWAL

With regard to the legislation for urban renewal, the basic problem mentioned in most briefs was the difficulty of trying to carry out the NIP and RRAP programs, which stress improvement through rehabilitation, under The Planning Act which emphasizes acquisition, clearing and redevelopment of land. Difficulties seemed to stem from conflicting aims and objectives, inappropriate terminology and unsuitable requirements and procedures.

Aims and Objectives

In addition to the problem mentioned above of the conflict between the NIP objectives for rehabilitation and The Planning Act's emphasis on redevelopment, it was felt that other improvement-oriented aims were not recognized in the Act. Specifically, the Act does not adequately reflect the NIP program's stress on the importance of social and recreational facilities within an improvement area, nor the municipality's role in the provision of these services. Furthermore, although Provincial guidelines on NIP especially require resident participation, Section 22 contains no reference to public consultation. To overcome these difficulties, numerous suggestions were offered, many of them requesting changes in terminology:

- Section 22 should be redrafted to reflect current community thought and to provide the flexibility to accommodate new programs as they evolve. Specifically, the section should be rewritten to express more clearly the interest in renewal of an area, whether redevelopment or rehabilitation, and to provide enough latitude for municipalities to determine the means to achieve their desired ends.
- The term "redevelopment" should be replaced by a more appropriate term to avoid any confusion with the bulldozer approach to area improvement.

- The section should be amended to provide the option of a rehabilitation plan and should provide a definition of a rehabilitation (or improvement) plan and/or area.
- Although The Planning Act indicates that redevelopment refers to other forms of improvement which are not related to large scale clearance and re-use, the emphasis in the Act should be on rehabilitation, not redevelopment, to cover the aims of senior government programs.
- The Act should include a new section to cover the NIP program.
- Consideration should be given to expanding the Act to provide for sharing the program and operating expenses related to the capital provision of social and recreational facilities.
- The citizen's role in the development and implementation of the program be made clear in the section.

Although most of the briefs expressed frustration in attempting to implement the aims of neighbourhood improvement through the existing legislation, an entirely different perspective was expressed in one submission, which was concerned that the present thrust of urban renewal programs concentrates on the rehabilitation aspect solely and ignores real needs in the areas of redevelopment and reconstruction. The brief recommended that Section 22 be altered as follows:

- The municipal council may designate an area covered by an Official Plan as a redevelopment area (no Minister's approval required).
- The municipal council shall prepare and adopt a redevelopment plan for the designated area (Minister's approval required).
- Once the plan is approved, the municipality is authorized to acquire, hold, clear, grade or otherwise prepare land and construct, repair, etc., without ministerial approval being required.
- The Act shall provide for the lifting of the designation from redevelopment areas (no ministerial approval required).

Requirements

Equally as frustrating as the conflicting objectives were the requirements and procedures imposed by the Provincial government in approving the improvement programs. These requirements caused confusion and delay and severely limited local decision making. In order to get government funding, it was claimed that there were too many hoops to go through, which caused delays that allowed private financial interests to intrude and escalate costs. For example, the Act specifically requires Section 22 to be used in conformity with the official plan; if an official plan amendment is required and the NIP program is subsequently not approved, a great deal of time and money has been wasted. Furthermore, although it was requested that the role of public participation be specifically defined in the section, numerous complaints were raised over the current practice of requiring multiple notices as part of the NIP review, for official plan and zoning amendments and for the redevelopment plan.

Suggestions to improve the procedures included:

- Removing repetitive and redundant ministerial approvals, especially those relating to land acquisition.
- Amending the Act to provide for appropriate notices, public meetings and overall public participation within the neighbourhood plan review.
- Removing the planning, conservation, rehabilitation and improvement as a residential area under NIP from the jurisdiction of Section 22.

ORGANIZATION FOR PLANNING

Allocation of Planning Responsibility Among Different Levels of Government

Concern about the fragmentation and abuse of planning responsibilities among government bodies was a recurring theme in many of the submissions. Lack of consensus about which level of government should have primary responsibility for municipal planning was often supplemented by uncertainty or confusion about the division of planning responsibilities in areas with two-tier government systems.

Recommendations concerning the appropriate allocation of planning responsibilities ranged from suggestions that the Province should adopt a stronger role, to arguments for delegation of almost all planning responsibilities to regional, county or local governments. Alternatively, one submission suggested that the planning system should stress process, not policy documents; should be characterized by negotiations and mutual adjustments among all government levels, and should allow recognition of planning initiatives at the various levels. Other points raised about the distribution of planning functions included:

- Decisions on the most appropriate type of organizational structure for a particular area should be part of the general political process, not a static situation.
- Delegation raises the question of accountability and responsibility. The Province should retain control over the products which result from its own government process (e.g., O.H.A.P. secondary plan grants).
- Planning decisions should be made by the lowest political level 'capable' of making a decision, with capability defined in terms of technical and financial resources, experience and proven responsibility in dealing with planning matters.

Specific questions were raised about the present distribution of jurisdictional planning responsibilities:

- What legislative base exists for the region to require local municipalities to prepare secondary plans?
- In two-tier operations, can the regional government require the local government to have a single development agreement?
- Where does responsibility for control of pits and quarries lie?

A number of general suggestions and recommendations were made about methods of allocating responsibility among levels of government:

- Legislation should spell out responsibilities for (a) metropolitan urban regions and their constituent municipalities; (b) regions and counties with urban centres separated by substantial agricultural, recreation or resource conservation areas; (c) counties which are predominately rural in nature.
- There should be distinctions in municipal planning responsibilities and powers on the basis of (a) size and character of the community; (b) resources of the municipal administration; (c) rate and scale of growth and change; (d) level of interaction with other municipalities and the Province. The Province should provide assistance where assigned responsibilities are beyond municipal resources.
- The Planning Act should recognize a hierarchy of plans (Provincial, regional, local), and suggest matters which should not be included in the plans of a more senior agency if dealt with in a plan at the next lower level in a manner consistent with senior level objectives.

The most detailed and systematic attempt to define the planning responsibilities of the several levels of government submitted in one brief was as follows:

	Prov.	County or Region	Area Municipality
Provincial Policies	A-P-Cir.	C	C
Regional Official Plan	A-C-M	R-P-Cir.	C
Municipal District Plan "Secondary"	A-C	R-C-M	R-P-Cir.
Action Plan Tertiary	A-C	A-C-M	R-P-Cir.
Plans of Subdivision	C	A-C-M	R-Cir.
Zoning By-Laws		M-C	A-P-Cir.
Development Control		M	A-P-Cir.
Consents		M-A-P-Cir.	C
Variances		M-C	A-P-Cir.

Legend: A - Approve, R - Recommend, P - Prepare, Cir. - Circulate,
C - Consult, M - Monitor.

Two-Tier Systems

There was a variety of viewpoints on the need for two-tier planning structures and on the way responsibilities should be assigned to them:

- Two-tier planning is not always needed. A decision to establish it should be related to the appropriateness of the planning area and its financial capabilities.
- In the absence of a county (or regional) structure, a large urban centre has difficulty controlling its hinterland.
- Even in two-tier structures, there remains a problem with interests which extend across boundaries (e.g., conservation authorities).

- There is a need for better co-ordination at local planning, but it should take place at a level less remote from local concerns than the county or region.
- More planning should take place at the county level, provided the county has a satisfactory planning branch.
- The county (or other second-tier government) may provide assistance to local planning, but should not be given authority for approvals.
- A "super-area planning board" would serve to attack the problem of a municipality stealing industrial assessment by legal annexation, thereby contributing to more equitable distribution of industrial assessment among all communities involved.

Those who explicitly upheld the need for planning on a regional scale identified the following as regional responsibilities:

- Authority for agricultural preservation.
- Overall co-ordination of local planning efforts.
- Broad, overall concepts and policy, including regional transportation systems, broad land use patterns, general identification of residential, industrial and commercial areas and of cores for community and commercial use.
- Advising or assisting local planning.
- Authority to enter into agreements relating to severance approvals and zoning amendments, including provision for payment of contributions toward capital expenditures, at least in respect of regional services.

Delegation of Planning Responsibility

There was lack of agreement on the extent to which the Province should delegate more planning responsibility to lower levels of government, and about which level should have greatest authority.

1. Regional Municipalities

Arguments favouring delegation to the regional or county level included the following:

- Regional governments are financially better able to carry out planning, although Provincial assistance is needed as well.
- The regions are better able to protect agricultural interests.
- Once confidence is established in county planning operations, county staff will meet with greater acceptance at the local level than provincial staff. (One meeting was told, however, that local municipalities resent the county as much as they resent the Province, because both have caused a steady erosion of municipal powers.)

Those who questioned the advisability of strengthening the regions argued that:

- Members of regional and local councils tend to think first of the local areas they represent rather than of the region as a whole because of the way they are elected.
- Regional strategies do not distribute benefits to all parts of the community effectively.
- The overlap of planning responsibilities at the two local levels of government only leads to duplication, confusion and greater expense.

- There will be a loss of local autonomy or decreased responsiveness to local concerns.
- The regional planning staff cannot serve two masters - i.e., the Province and the local municipalities.
- To date, regional administrations have not been very effective in exercising their powers to determine and influence broad regional goals, or to carry out capital responsibilities delegated to them by the Province.

2. Local Municipalities

The following arguments were made in support of allocating greater planning authority to municipal councils.

- The need to preserve or enhance local autonomy.
- A belief that local councils will be more appreciative of and responsive to local needs and conditions.
- There is likely to be more citizen input into local planning than into regional planning.

Several submissions qualified their support of increased local authority by suggesting that:

- It should be preceded by greater education of all municipal officials;
- It should be based on demonstrated planning competence;
- It should depend on community size: i.e., larger municipalities should have more control over their own development, but small municipalities will continue to need Provincial supervision.

The majority of briefs, however, did not support greater delegation of powers to the local level:

- Municipalities are not presently capable of handling increased planning responsibility. Delegation would require local restructuring and additional staff. Also, past behaviour indicates that the Province would continue to monitor local decisions even after delegation, thus duplicating the effort.
- Ministry of Housing officials are sometimes more responsive to the needs of some local interests (e.g., separate schools) than are local planning boards and municipal staff.
- It is a fallacy to believe that municipalities can be masters of their own fate; they are tied to subsidies and grants from the Province.
- Members of municipal councils are too susceptible to pressure from local constituents.
- Municipal policies are not consistent because of frequent changes in elected representatives.
- Too many municipalities lack an awareness of the aggregate resources that must be developed both for the municipality itself and for other municipalities that do not have their own aggregate resources.
- In rural communities, farmers are poorly represented on local councils, and councils are weak in ensuring agricultural preservation.

In fact, municipalities were criticized quite strongly in a number of briefs for their abuse of planning powers:

- Municipal powers to veto new land development, exercised in the interests of existing ratepayers, lead councils to restrict new development, thereby directing population growth to fringe municipalities which are least able to cope with it.

- Municipalities sometimes set excessively high building standards, thereby contributing to high housing costs. The Province should intervene to prevent this.
- Municipalities and school boards often use blackmail to obtain certain things from developers in return for not slowing down the approval process. Resulting additional costs to the developer are passed on to new home buyers.
- Municipalities neglect to carry out coherent planning of public facilities (meant to be governed by the official plan) or carry it out in the interests of politically and economically dominant minorities.
- A municipality may use discriminatory practices to impose excessive ad hoc conditions on an owner who applies for improved zoning, or on property which is communally owned (e.g., condominiums).
- A municipality may abuse its right to request "cash in lieu" for parkland by demanding that the developer pay the equivalent cost of fully serviced lots.
- There has been an increasing predilection for municipalities to require developers to construct and operate recreation centres within projects. Some of these are very extensive and sophisticated, providing a standard of activity as high as any operated by government.
- Elected councillors reassign unpopular duties, such as the collection of tax arrears, enforcement of building by-law standards and zoning by-laws, to appointed bodies such as committees of adjustment or planning boards which are not directly responsible to the electorate.
- Under existing legislation, municipal councils are in a position to exercise considerable authority over elected school boards and some exercise this prerogative by interfering with board discretion with by-laws that are widely and unnecessarily restrictive.

Local Planning Boards

1. Planning Board or Council Committee

There was wide variation of opinion on whether planning boards should be retained or whether their responsibilities should be transferred to council committees. Those who wished to see boards retained argued that:

- They are a valuable source of advice, expertise, knowledge and experience for local councils, especially in smaller communities where council members serve only part-time.
- They provide continuity in planning matters.
- Appointed members are more secure in their position and are able to take a less constrained and more long-range view.
- Community planning will be more successful when done by people removed from political pressures; planning boards are more objective than councils.
- Planning boards are better able to hold extensive public meetings and integrate citizen input with staff recommendations because of the time constraints, lack of expertise and political pressures under which councils operate.
- Planning boards serve to broaden and extend planning as a political activity by bringing a greater number of individual and collective values into planning deliberations.

Those who advocated the abolition of planning boards in favour of planning committees argued that:

- Elected representatives should be directly responsible for the policies contained in an official plan.

- Elected officials will be more responsive to the wishes of the electorate.
- Planning boards were a useful transitional stage when council members were less familiar with planning issues and when professional advice was less available, but they are no longer necessary.
- Planning boards only delay decision-making. Proposals are bounced back and forth between Board and Council.
- Planning boards rarely refer staff comments to Council. Direct contact between planning staff and council would increase council members' understanding of planning issues.
- Committees of council would aid planning continuity, because planning board membership tends to change from year to year.

A third group identified several weaknesses in the way municipal councils relate to the planning process:

- Two-year council terms mitigate against official plans being considered fully. They also prevent the continuity and stability required for long range planning.
- Councils should not be given a free hand to make changes in the official plan because sometimes they are not familiar with it.

Two compromise positions were suggested:

- A council planning committee could appoint a citizen committee in an advisory capacity (perhaps for longer terms than those of elected members, to give continuity). Alternatively, a Staff Co-ordinating Committee on Planning made up of members of the municipal administration, could advise the planning committee.

- Planning boards should be composed of an equal number of elected and appointed members. This approach would aid continuity and make some long-term planning possible, while preventing the board from becoming too far removed from the public.

2. Membership of Planning Boards

Some submissions commented on the qualifications for planning board membership. Criticisms of planning board composition included the following:

- They are too often composed of representatives of special interest groups.
- They do not have the skills to prepare official plans.
- Boards are too often weak and look to other departments and governmental agencies, rather than accept responsibility.
- Development and rural interests are rarely represented.

Recommendations relating to these criticisms included:

- Planning board members should represent a cross-section of society.
- There should be representation of agricultural interests on all planning bodies dealing with the removal of prime agricultural land from agricultural production.
- Composition of citizen members on planning boards should be uniform across the Province.
- The legislation should provide that no more than one-third of the board members are members of council.
- Council members to local boards should be appointed for a two-year term, to coincide with their terms of office on council.

- Members who absent themselves from planning board meetings for a specified period should be disqualified automatically unless their absence has been authorized by the Board.
- Planning board meetings should be open to representatives of special purpose bodies, such as school boards, municipal engineers, parks director, etc.
- All sections pertaining to the exemption of school teachers as municipal employees in the determination of planning board membership should be re-examined as to their purpose.
- The Planning Act should be amended to require that all planning board members show proof of planning training; most members of planning committees and boards do not understand planning.
- Former municipal officers and politicians should not be allowed to sit on a planning board.

Other specific suggestions related to the legislative requirements for planning board membership were:

- The powers of the Minister to alter the composition of the board should require consultation with the local planning board and council.
- The Act should state the majority required for a quorum to adopt an official plan when the board has an even number of members.
- The Act mentions the appointment of a Secretary-Treasurer but does not give the alternative of a Secretary and a Treasurer.
- The criteria for the establishment of planning boards should be set out in the new Planning Act so that the designated municipality could vary the constitution to suit local needs.

3. Responsibilities of Planning Boards

Several submissions held that The Planning Act gave insufficient direction on how planning boards should carry out their duties, and called for more specific guidelines. One comment pointed out that planning boards perform a dual role which is not well-understood by municipal councils or even by the Ontario Municipal Board, i.e., (1) as a legislative body on development control, and (2) as a quasi-judicial body on zoning changes.

The following recommendations pertain to specific planning board functions:

- Planning Boards should serve in an advisory capacity to municipal councils with extended powers to review zoning by-laws and plans of subdivisions.
- A clear distinction should be made between the activities and powers of planning boards and committees of adjustment, determining which body has final responsibility for maintaining the integrity of the plan and by-laws.
- Planning boards should be assigned responsibility for approving the names of apartment buildings, commercial buildings, town houses and street names, to eliminate duplications and to aid police, firemen and ambulance departments.
- The Planning Act should require planning boards to prepare an annual report on their year's activities, to include an evaluation of plan implementation.
- Planning boards should be responsible for ensuring that by-laws necessary for official plan implementation are brought to council.
- The legislation should provide guidelines on the recording and keeping of board minutes.
- There should be greater direction in The Planning Act on the board's responsibility to hold public meetings and publish information.

- Planning board functions should be more clearly defined to indicate, for instance, which functions are to be held in public and which in private.
- New legislation should redefine the responsibilities of a rural board as being concerned with land management, and the board's role be expanded to delegate to it direct responsibility for some decisions within a policy framework established by council.
- Provisions should be made to allow a planning board to enter into private property where necessary, in order to accomplish goals emanating from Section 12 (re the duties of planning boards).

4. Joint Planning Boards

According to several submissions, joint planning boards serve a useful purpose and should be retained. Others believe they should be eliminated, either because they are the wrong framework for planning; because they attempt to be too many things to too many varied interests; or because their decisions are dominated by the preferences of local municipalities. The majority of submissions dealing with joint planning boards, however, were concerned with the structure and operations, not the validity of the boards. The following points were suggested for consideration:

- The need for specific regulations governing joint board membership.
- The definition of areas of planning responsibility between joint and subsidiary planning boards, especially in areas of overlapping jurisdiction.
- The ability of a joint planning board to function when not all member municipalities actively participate.
- The ability of joint planning boards to implement plans. Lack of authority constrains the ability of such boards to enter into contracts (e.g., hiring consultants) in which costs are spread over more than the current year, lease office space, borrow money, and purchase land.

The following recommendations were addressed to some of these problems:

- Municipalities in a joint planning area should be allowed to appoint representatives directly to the area planning board, rather than submitting nominations to the designated municipality for the planning area, which then appoints members to the board.
- Representatives to joint planning boards should be recommended by the municipalities they represent.
- The Planning Act should make clear or establish the right of joint planning boards to enter into agreement, borrow money, open bank accounts, etc.

5. Financial Arrangements

In reference to financial arrangements affecting a board, it was indicated that the legislation in The Planning Act dealing with the disclosure of assessment information should be carefully worded so that boards can avail themselves of information at the assessment office under the criteria established in this section, without conflicting with the provisions of The Assessment Act. It was also suggested that the penalty for improper disclosure should be not less than \$1,000.00 to make meaningful the sanctions against illegal disclosure.

Regarding spending estimates and apportionment of costs (Section 8), a problem was mentioned in joint planning areas where the apportionment of costs may be difficult due to certain factors which make the distribution of the budget to each municipality not representative of the services rendered to that municipality. The Act should recognize this problem and the Province should assist financially in joint areas to provide more viable planning boards. A related suggestion was that there should be an arbitration board to which appeal can be made if

the municipality having over one-half of the planning area's population does not approve of the joint planning board's estimate; the relevant sections of The Planning Act, 8(3) and 8(5), should be amended to provide for this eventuality.

Two further points regarding finance were that costs, other than secretarial or incidental, that are the responsibility of the board should be specified, and Section 9 (re remuneration) should include remuneration for members of planning committee.

6. Relationship of the Planning Board
to Other Agencies

Regarding the planning board's relationship with other agencies, the general suggestion was that in preparing an official plan, planning boards should consult only with any affected local board, not simply with any local board as Section 12(1)(c) now states. School boards were particularly concerned about their integration in the planning system. They recommended that school boards be represented on planning boards or at least have close liaison, with planning reports being sent regularly to school boards. (See also Other Agencies). Specifically, it was requested that the legislation (8:3) be amended so that it directs municipalities to notify school boards of all local improvements, and provides for appeal if the school board objects. Another point raised was that planning boards be informed on all decisions made by the property standards committee on particulars of building permits issued and maintenance and occupancy standards.

Land Division Committees and Committees of Adjustment

A number of concerns were expressed about the committee system for granting consents and variances. Problems identified in briefs indicated confusion about responsibilities and procedures, abuse of powers, lack of appropriate guidance, and insufficient integration within the municipal planning system.

1. Adequacy of the Committee System

Specific criticisms of the committee system included the following:

- Local municipalities do not have enough control over the funding and membership of these committees.
- In areas where committees of adjustment still operate, but where land division committees have overall control, different criteria have often been used to judge applications in the same area.
- In rural counties, there is no incentive for the committee of adjustment to turn over responsibilities to a land division committee, even though a land division committee would do a better job.
- There is duplication of effort and lack of communication between land division committees and committees of adjustment.
- Severances are based too much on personal interest of the members of committees of adjustment; land division committees are too unfamiliar with local concerns.
- Committees do not observe or are unfamiliar with official plans.
- Although the Province provides some interpretation of certain policies, land division committees frequently ignore them. Generally, land division committees are more lenient where there is no official plan.
- At present, some regional land division committees do not have a regional official plan upon which to base their decisions. They

interpret the local official plans instead, and often their interpretation differs from that of the local municipality. The onus is on the local municipality to appeal the decision of the land division committee.

- The separate handling of consent and variance applications by a land division committee and a committee of adjustment causes confusion and duplication of effort. The legislation should indicate the order in which the applications should be considered. (See also Minor Variances)
- Under The Planning Act, committees appear to have autonomous status.
- Creation of a land division committee does not guarantee that decisions will be any less politically-based than those of a committee of adjustment.

A number of recommendations were suggested to improve the operation of the committee system. Several emphasized better guidelines and co-ordination within the municipal planning system:

- The Planning Act should provide for a strong consent policy complete with appropriate guidelines within which to operate.
- Until general guidelines are established, consents should conform to local planning objectives and should, therefore, require approval by appropriate planning authority, not just committees of adjustment and land division committees.
- Committees should be incorporated into some government structure so that their actions more closely reflect the planning desires of the municipality.
- The Planning Act should stipulate that decisions of committees be bound to regional and local official plans and by-laws.
- Committees should be established as advisory boards to council.
- A method should be required of reporting committee decisions to the municipality as well as to the Minister.
- All municipalities within the jurisdiction of a land division committee should be required by law to file all planning documents with the committee.

- The Statutory Powers Procedure Act, 1971, should not apply to committee proceedings.
- The Planning Act should be amended to include the Rules of Procedure prescribed by the Minister so that all relevant provisions applying to committee functions are in one document.
- Committee operations should be consistent across the Province.

2. Authority for Consents and Variances

There were varying opinions as to the most appropriate body to grant consents and variances, whether it should be the municipality or either of the two committees. In some cases, views reflected concern about the effectiveness of the committee system; in others, a belief that land severances are a part of the mainstream of planning and therefore should be under municipal control.

Submissions endorsing municipal authority for consents and variances made the following points:

- Since the municipal council is the primary body responsible for policy and administration and since it reviews decisions of the land division committee, it is suggested that the power to grant land severances be given to the municipal council, with appeal procedures available to affected land owners.
- If there is a legitimate cause for allowing severances in any instance, it should be seen entirely as a local action, as it is impossible for the Province to act as a monitor in all cases.
- In regional municipalities, consent granting powers should be vested in the regional council or restructured county or individual area municipalities. The actual functions, however, could be delegated to a land division committee.

- Committees of adjustment and land division committees should be made into committees of elected councils. As things now stand, these committees frequently reverse the intent of council policy. The right of appeal to the Ontario Municipal Board does not work well because of the time, cost and effort involved.

A more moderate suggestion was that the extent of jurisdiction of municipal councils over land division committees should be clarified.

Those briefs supporting land division committees did not always clarify whether they were mainly recommending a second-tier authority or whether that authority should be a land division committee. Arguments in favour of a second-tier body included the following:

- There is more chance of conformity of practice at the second-tier level; there are fewer personal pressures on land division committee members. This is especially true for rural townships with new or not entirely satisfactory official plans.
- A more streamlined procedure would be to enable the land division committee, with the local municipality's agreement, to assume the function of granting minor variances associated with land severances.
- Land division committees provide for wider review and circulation of planning documents than do locally-based committees.
- They remove inequities in local policy administration.
- They serve as middle-men between the "all too often patronizing, under-staffed and ill-equipped committee of adjustment" and the distant Provincial staff and Minister.
- They give "better" decisions.
- A second-tier authority is required to co-ordinate the policies of neighbouring municipalities.

Conflicting views were expressed on the need for committees of adjustment; some briefs strongly criticized their operations:

- Committees of adjustment have done much to fragment agricultural land and to encourage ribbon development.
- They use powers which belong to the planning board.
- They are not fully aware of the long-term implications of the local official plan.
- They do not work well with councils and planning boards, e.g., they can overturn or thwart the desires of elected councils.
- They are subject to pressure from friends and neighbours.
- They are too lax.

Others argued in favour of retaining them:

- In rural areas, severances should be granted locally with appeal at the county level.
- Once a municipality has an official plan, the consent granting authority should be returned to a municipality's committee of adjustment.
- The problem with a dual system of committees is that land division committee meetings, committee of adjustment meetings, O.M.B. hearings on appeals to land division committee decisions, are all held in different towns at different hours. The Planning Act should be amended to permit those municipalities whose committee of adjustment was functioning satisfactorily in the Minister's opinion, to apply to the Minister to have the consent granting function returned to that committee.
- The role of committees of adjustment in granting variances has been generally satisfactory.

A third group recommended further autonomy be given to committees of adjustment:

- The committee of adjustment should be an independent decision-making body operating within guidelines set by council. It should be able to retain legal advice.
- Committees of adjustment decisions should not be subject to council veto.
- To remove the necessity for a zoning by-law amendment or an official plan amendment for a minor matter, committees of adjustment should be able to consider applications for continuing legal non-conforming uses, whether or not the use has continued actively until the date of application.

A few briefs had some further suggestions on the appropriate execution of consent powers:

- A distinct difference exists between urban and rural severances. Severances in rural areas are a way of sub-dividing land, but severances in urban areas usually serve to clarify problems of ownership. Land division committees should operate in rural areas; committees of adjustment in urban areas.
- Where an approved official plan and zoning exists, consents should be a staff function, subject to appeal.
- When a regional official plan has been approved by the Minister, committees of adjustment and land division committees should be amalgamated and municipally based.
- The right of committees of adjustment to grant consents should be removed to ensure adequate education facilities related to planned development, and to safeguard against increased bus transportation costs.
- A committee of adjustment should exist only when there is no planning committee.
- The committee of adjustment should be replaced by a development officer appointed by council to act on its behalf (a practice followed in Nova Scotia).

3. Creation and Dissolution of Committees

Regarding the creation and dissolution of committees, it was suggested that The Planning Act be amended to include the same provisions as the regional statutes on these matters. It was further recommended that the section of the Act dealing with the dissolution of committees of adjustment be amended to recognize those municipalities that have adopted official plans since the expiry date (June, 1970) and that are preparing zoning by-laws in order to have a committee formed. One brief stated that the phrasing of the subsection (31:2) on the Minister's power to dissolve a committee of adjustment, if in his opinion, the committee is not giving consents "in the manner contemplated by the provisions of this Act", was ambiguous.

Other problems related to the creation and dissolution of committees were: the need to have the provisions of the Act deal with those areas such as some small townships in Northern Ontario which are not in a two-tier structure, but which desire a land division committee; and the lack of guidance for land division committees when local townships have not prepared official plans.

4. Membership of Committees

Although the Act stipulates in Sections 41(1) and 30(1) that a committee must be composed of not less than three persons, some submissions requested that in addition, it be mandatory that a committee be composed of an odd number of persons, to avoid problems of tie votes. This recommendation also applied to a quorum, although if the quorum remained at two, as it is now, it was suggested that the Act require a unanimous decision on any application. It was further suggested that a quorum constitute no less than 50 per cent of the total committee membership.

Clarification was requested of the phrase "municipal employee", and it was questioned why council members were prohibited from a seat on the committee, particularly in view of the strong feelings about the lack of integration of committees in the municipal planning system.

Other recommendations were:

- The Act should require that a member who misses a given number of consecutive meetings or a certain percentage of annual meetings, without justified reasons, loses his seat.
- Committees should be allowed to appoint an assistant or acting secretary-treasurer when the secretary-treasurer is absent.
- School board trustees should be allowed representation on committees.
- An appointed delegate from any municipality should be given a vote when representing the municipality on any committee or board if the official representative is absent.

5. Duties of Committees

A number of comments were made about the duties of committees, some referring to procedural matters, others requesting clarification of responsibilities. One basic suggestion was that the legislation describing the duties of committees be contained in one section, not scattered throughout the Act. Other points raised included the following:

- The sequence of handling minor variance and consent applications should be clarified and they should be handled by one committee. (See also Minor Variances)
- In regard to the committee's powers to grant consents, the Act should require the owners and not the committee to prove that a registered plan of subdivision under Section 33 is not required, and how the subdivision, by consent, will add to the proper and orderly development of a municipality.

- The wording of the subsection on the committee's powers to grant consents should be changed to "a plan of subdivision...is not necessary for the proper and orderly development of the lands, the immediate area or the municipality".
- Application fees charged by committees should be increased. (See also Consents for Land Severances)
- The legislation should set out to whom applications should be referred for consideration (i.e., local municipality, public health authority, conservation authority, roads department, etc.).
- No building permits should be issued until the applicant can show proof of ownership of the proposed severed land.
- The legislation should be amended to indicate that once a committee has consented to a conveyance and a document indicating that consent has been registered in a land registry office, the parcel may be dealt with for any of the other three purposes for which a consent is otherwise required, without the necessity for further applications to the committee.

Regarding decisions made by Committees, the following comments were made:

- The Planning Act should stipulate that a committee of adjustment or land division committee must make a decision within a certain time period after hearing an application.
- The wording of the subsection in the Act on the required format of decisions leaves the impression that some of the members are absent and there is unanimous approval, when in fact, some members may have disagreed with the decision; this section should be changed to require indication of votes in opposition or absenteeism.
- The legislation does not indicate what matters are to be contained in the required statement on the committee's reasons for a decision. (One suggestion was that in setting out the reasons for a decision, the committee should summarize the evidence and arguments advanced

by the applicants and any other parties, committee findings, and opinions on the merits of the application).

- The decisions of committees should be required to be documented and available to the public.
- The Planning Act should stipulate that the committee of adjustment or regional land division committee must mail notice of its decisions to all interested persons after the decision is reached, including the municipal clerk.
- The subsection on filing a copy of the decision (42(14)) should be amended by adding a proviso that the Secretary-Treasurer is not required to file a certified copy of the decisions with the clerk when the Secretary-Treasurer is an employee of the municipality.
- If amendments to committee decisions are required due to technical errors or incorrect information being provided, these amendments should not require an O.M.B. hearing.

In connection with the material required to be sent to the Minister, the following comments were made:

- The entire section should be deleted; there is no need for Provincial scrutiny of committee decisions where there is an official plan and effective policies.
- The material now sent to the Minister should be sent to the regional municipality, where applicable.
- The wording of the subsection on draft minutes to be sent should state that the Secretary-Treasurer shall record without note or comment all resolutions, decisions, and other proceedings of the committees; also, the matters to be contained in the minutes should be clarified.
- The section should be broadened by permitting a collective mapping system as an alternative to a site plan system.

Other suggestions on the responsibilities of committees included:

- The requirement should be deleted to send the O.M.B. all papers and documents filed with the committee relating to the matter appealed.
- The proper manner of issuing certificates of consent should be clarified when the decision has been made by the O.M.B. on an appeal from a decision of a committee.
- The subsection on the hiring of employees (41:9) should be clarified to indicate that the Secretary-Treasurer "may engage such employees and consultants as is considered expedient".
- The regional land division committee deals with severance applications of older developed properties assembled by a new owner in a different manner than applications involving the creation of new lots or transfer of parts to adjacent owners. The latter are subject to approval conditions such as road widenings, park dedications, development agreements, lot levies, etc. Since the former are not subject to conditions of approval, The Planning Act should reflect this to ensure consistency across the Province.
- The Act should define the length of time and format under which the Secretary-Treasurer is required to keep committee documents; this would avoid cross-reference to The Municipal Act.
- The Act should make provision for an Assistant Secretary-Treasurer to execute documents similar to the provisions of The Municipal Act as it relates to clerks and treasurers.
- Committees should have the authority to approve small subdivision plans of 12 lots or less.

Briefs commenting on the specific duties of each committee made the following points:

1. Land Division Committees

- The Ministry should clarify the powers and procedures of land division committees, and incorporate them into one document.

- Land division committees should have limited terms of office, limited farm representation, and should rotate chairmanship.
- The county land division committee should be allowed 60 days rather than 30 days before holding a hearing on an application for severance.
- Land division committees should be entrusted with responsibility for approval of plans of subdivision on the same basis as that presently exercised by the Minister of Housing.

2. Committees of Adjustment

- The Province should issue more guidelines dealing with committee of adjustment responsibilities. These should take account of variations between different parts of the Province and between different types of communities.
- The Planning Act should provide committee of adjustment members with greater access to support staff, either directly or through an arrangement with municipal planning staff.
- The Planning Act should clarify the limits of liability of committee of adjustment members.
- The time period for circulation of notices of committee of adjustment hearings should be increased from 30 days to 45-60 days.
- Members of committees of adjustment should attempt to visit all properties under consideration prior to the hearing.

Special Purpose Government Bodies

The major complaint directed to non-elected, special purpose bodies was that they are too removed from the local planning process while at the same time, being able to thwart or circumvent local plans. Alternative suggestions to overcome this problem were:

- They should be phased out and their duties assumed by elected officials

- They should be made directly responsible to a regional government or regional planning department.
- Where special purpose bodies continue to exist, policies affecting local planning should be mutually agreed to and then should be binding on all such bodies.

1. School Boards

Submissions from school boards frequently expressed a desire for more direct participation in the planning decisions, either through representation on Planning Boards and other planning committees, or through regular consultation procedures. A number of specific school board requests have been described in connection with Official Plans, Subdivisions and Zoning By-laws. Additional recommendations relating to school board concerns included the following:

- To offset traffic hazards for pupils, school boards should be informed of Traffic Committee proposals.
- Local improvement costs on school sites should be borne by the municipality in which the school is located.
- Municipalities should not charge school boards for building permits for portable schools or classrooms but should continue to issue permits at no charge because boards pay for permits for permanent building anyway.
- Agreed prices for new school sites should be honoured for five years because of Ministry of Education data requirements for capital expenditure approvals.
- Certain sections of the Act should be amended to define the various responsibilities of school boards in relation to servicing and development costs, subdivision charges, 5% dedication for parks and road widening allowances.
- The Minister of Housing or the Lieutenant-Governor should exempt school boards from compliance with the requirements of The Planning Act.

- Developers should be required to enter into agreement with school boards, and school boards should be permitted to issue certificates of sufficiency prior to approval of planning documents, subdivisions or redevelopment areas.
- School boards should continue to file pronouncements and requirements.
- The term "local boards" in The Planning Act should be changed to reflect the shift to county (or regional) boards of education.
- School boards should be designated as special boards with privileges.

2. Conservation Authorities

The municipal and development view of conservation authorities is that these agencies have too much power to restrict the use of land without having to account for the resultant costs imposed on local governments and property owners. Some conservation authorities, on the other hand, suggest that municipalities do not work closely enough with them to achieve resource management objectives, nor do they take account of identified flood plains, hazard lands and environmentally sensitive areas in local planning. Recommendations implied a desire for better liaison between conservation authorities and municipalities and wider powers to enforce conservation objectives:

- The recognition of hazard lands and environmentally sensitive areas should be required as part of the official plan and zoning process. The technical and economic feasibility of overcoming a hazard should be considered major factors in determining land use.
- To avoid confusion between environmental protection areas and hazard lands, the conservation authority should be consulted prior to the establishment of boundaries to ensure consistency in all official plans and zoning by-laws.
- An authority's guidelines for staff evaluation of municipal plans, subdivision, etc., should be discussed with and endorsed by local and regional planning staff.

- Property owners should be compensated if use of their land is restricted for conservation purposes.
- More information is needed on the effects of conservation policies.
- The Planning Act should be amended so that conservation authorities are notified of zoning by-laws at the preparation stage, and are given 30 days to comment on the hazard land designation of the by-law.
- Procedures in circulating condominium applications should be changed as authorities have problems with condominiums and town houses being built on hazardous slopes and flood prone areas.
- The Planning Act should be amended to give authorities the power to subdivide land and impose conditions in the same manner now reserved for municipalities.
- Septic tank approvals should be prevented on floodplains until such time as all conservation authorities have regulations on floodplain lands within their jurisdiction.

The Planners

A few submissions commented on the ability of professional planners to carry out their responsibilities. Specific criticisms included:

- Few planners are adequately trained to co-ordinate municipal policies; in fact, few understand the requirements of municipal administration. They tend to be concerned primarily with applying negative controls to the system.
- Recent changes in municipal by-laws have tended to give planners greater authority over the form and shape of buildings. In some cases, they are making their form mandatory, and in doing so are eroding the role of the architect. In essence they become judges of aesthetic and economic matters for which they have not training or experience.
- The professional capabilities of planners in policy formulation and plan making is weaker than professionalism in plan implementation. In matters of policy, planners tend to be "prescription writers".

- There is need to make planners more directly aware of the environmental implications of their planning.
- The Ontario planning profession is not equal to the challenge of regional planning.

Recommendations intended to improve planners' effectiveness included the following:

- If planning were more attractive, the profession would attract better quality planners.
- Planners' professional training should be improved by requiring raised admission standards, a substantial component of practical, technical training, and several courses in economics.
- Professional planners should be registered.
- Architects should be involved in the planning process at the earliest stage to ensure that the functional requirements of buildings are met when a plan is translated into a building form.
- The planner should not try to base his information strictly on political hunches; he should offer what he considers the best choice among alternatives. (Eg., official plans, zoning by-laws, amendments and developers possibilities).
- The Province should require that certain planning documents be certified by a "professional" planners. For purposes of certification, a professional planner would be a member of the Canadian Institute of Planners.

Specific comments were also made about planning consultants:

- Plans prepared by consultants usually have less citizen input than those prepared by local staff.
- Consultants give municipalities little guidance on plan implementation, and small communities without local staff lack the necessary experience or familiarity with planning to implement plans.

- The aim of plans prepared by consultants is simply to get through Ministry approvals.

A recommendation related to these criticisms is that the Province should make it mandatory that approved Official Plans be administered with the aid of full-time professional staff. Provision could be made for the joining together of several adjacent municipalities to provide the cost of permanent staff where municipal income is low.

PROVINCIAL ACTIVITIES AFFECTING MUNICIPAL PLANNING

Contradictory views were expressed on both the nature of the provincial role in municipal planning and the process in which provincial authority is carried out. Two themes, however, underly many of the comments: a concern that the arbitrariness and uncertainty of Provincial behaviour be reduced, and that the advisory and information function of the Province be strengthened.

Assessments of the Provincial role in planning focussed on three major topics:

- The Provincial context for planning
- The Ministry of Housing
- The Ontario Municipal Board

THE PROVINCIAL CONTEXT FOR PLANNING

The ability of municipalities to carry out their planning responsibilities is affected by a broad range of Provincial policies and actions which fall outside The Planning Act. Briefs on this issue indicate five general areas of concern: (1) the scope of Provincial planning authority; (2) the lack of a Provincial plan to structure and guide the future development of the Province and to provide an overall context for municipal planning; (3) Provincial policies governing municipal finance; (4) the lack of co-ordination among the different Provincial ministries whose functions impinge on municipal planning; and (5) the behaviour of Provincial ministries and officials toward municipalities and individuals.

1. The Scope of Provincial Planning Authority

Comments on the appropriate provincial role in municipal planning indicated little consensus on either the desirable scope of Provincial planning or the amount of authority the Province should exercise over municipal planning. Several submissions favoured a dominant Provincial role with powers to ensure that municipalities comply with a Provincial plan and implement Provincial goals. Others thought the Province should provide policy direction and serve a co-ordinating function for regional and local governments, but should not prepare a formal plan. Still others would limit the Provincial role to Provincial or inter-county planning matters, and to ensuring that an appropriate level of professional and technical expertise is available to carry out planning at the sub-provincial level. Implicit in many of the comments is a basic conflict between the desire for more formal Provincial direction and at the same time, more local control. Various planning functions attributed to the Province include the following:

- Providing a policy framework within which local municipalities can carry out their planning;
- Setting limits beyond which local municipalities should not go in exercising planning control; (e.g., in standards which municipalities can require of developers);
- Resolving intermunicipal conflicts where issues transcend municipal boundaries and providing a way to adjudicate disputes between regional and local levels ;
- Selecting the location of major growth areas (but leaving the nature of their development to the regions);
- Defining the roles of different ministries in the local planning process; and resolving intra-provincial agency conflicts;
- Intervening when local planning is inadequate, either because of financial problems or political ineptitude;
- Ensuring that municipalities have sufficient financial and staff resources to meet local goals;

- Ensuring that Provincial goals are incorporated into local planning
- Providing assistance and advice to municipal planners
- Conducting research on broad planning issues.

2. Need for a Provincial Plan

Those submissions which advocated a dominant Provincial role in municipal planning frequently cited the lack of a Provincial plan and clearly defined goals for Provincial development and growth as weaknesses of the existing planning system. In the absence of a comprehensive Provincial plan, according to one submission, a large measure of future planning for Ontario is being performed under the narrow and specialized auspices of planning for electricity. Hydro's schemes not only require land for generating sites and corridors, but also attract large industrial establishments and related housing and service institutions. Numerous other complaints referred to the arbitrariness exercised by the Province in the absence of a comprehensive plan and the lack of a framework to provide guidance for municipal planning.

Specific Provincial planning responsibilities which many submissions felt should be reflected in a Provincial plan or policies, include the following:

- Operation of the economy;
- Conservation and use of agricultural land;
- Population distribution;
- Natural resource extraction and conservation;
- Identification of regional needs and objectives;
- Regional recreation;
- Retention of forest cover for the purposes of conservation and development of woodlots for harvest;
- Establishment of large, controlled industrial zones;
- Air and water quality;

- Effluent disposal;
- Highways and energy.

One brief suggested that a comprehensive land use and resource study should precede the preparation of a Provincial plan,

3. Provincial Policies Governing Municipal Finance

Several submissions argued that Provincial policies and practices governing municipal finance are inconsistent with the expectation that municipalities carry out Provincial planning objectives. The following observations relate to this point of view:

- Some municipalities are unwilling to pursue growth policies because of financial and political fears.
- Municipal reliance on the property tax base leads them to favour only financially attractive planning applications, thereby discriminating against low income housing.
- The Provincial government pushes local municipalities into expensive cost sharing programs, giving incentives for facility development but providing nothing for operating expenses which are subject to inflation.
- The Province often requires municipalities to undertake planning programs without offering the financial resources required. Lack of local resources is partly responsible for the over-centralization of planning responsibility.

The general recommendation arising from all such criticisms is that the Province should take steps to increase the financial capability of municipalities, either by changing the grant system or sources of municipal revenue. Suggested changes in the grant system include:

- The Province should provide funds to assist local planning, particularly to areas which do not have the financial resources to carry out their planning responsibilities.
- When the Province delegates new functions to municipalities, it should provide direct grants to cover their costs.
- The Province should provide financial incentives to encourage municipalities to meet their housing responsibilities, particularly for low income housing.
- The Province should allocate to municipal and regional governments sufficient funds to provide the trunk facilities necessary for developers to bring serviced land on the market.
- The Province should provide municipalities with more information on the availability of grants.

Suggested changes in municipal revenue sources were as follows:

- Adoption of a concept of supportive assessment with supplementary grants to equalize tax burdens within or across municipalities.
- An unconditional, per-ton levy on the aggregate industry, payable to municipalities.
- Equalization of the road taxing system.
- Return to affected municipalities of all taxes collected on rural land which had increased in value as a result of speculation.
- Use of impost fees only to provide or pay for the capital costs of physical assets (water supply, sewage treatment or drainage works) which are required to bring an area to a condition suitable for initial occupancy.

4. Lack of Co-ordination among Provincial Ministries

Lack of co-ordination among different Provincial ministries in the way they devise policies and regulations affecting land use causes frustration

and uncertainty at local levels. Sources of frustration include:

- The need to satisfy more than one Ministry (e.g., Ministry of Housing and Ministry of the Environment) which have failed to reach agreement about their goals, particularly with regard to housing and growth.
- The fragmentation of responsibility for government services among several Ministries in rural areas (e.g., Ministries of Health, Transport, Natural Resources, and law enforcement agencies).
- The difficulty encountered by a municipality in trying to determine which Ministry or jurisdiction has the authority to recommend changes in hazard land designations.

To overcome some of these problems, it was suggested that:

- The Province should carry out an extensive review of its own policies affecting various aspects of municipal planning.
- The Province should develop additional mechanisms to co-ordinate the plans of its ministries, and issue a comprehensive policy statement which incorporates the views of all affected ministries.
- The Province should resolve potential jurisdictional conflicts between the Parkway Belt Planning and Development Act, the Niagara Escarpment Planning and Development Act, the Ontario Planning and Development Act and The Planning Act.
- Groups of Provincial officials in various parts of the Province could be granted authority to co-ordinate Provincial activity in their areas.

The activities of several Ministries received specific attention.^{11.}

MINISTRY OF AGRICULTURE. Several rural interests consider the Ministry of Agriculture to have little influence on Provincial policies at the

Note:

11. The Ministry of Housing is discussed in the following section.

present time. Some believe that the Ministry of Agriculture and not the Ministry of Housing should have responsibility for planning in rural areas and particularly for consents. Others have criticized the Ministry of Agriculture's efforts to save agricultural land as impractical because the quality of the land and its ability to sustain viable agricultural activity is not taken into account.

MINISTRY OF EDUCATION. One school board criticized Ministry policy which prevents advance acquisition of school sites, even when those sites are reserved in an official plan. Another suggested that this Ministry, in conjunction with others, should establish a land-banking system which requires public and private developers to assign a proportion of land for public school, separate school and municipal purposes.

There was a favourable comment on the Ministry's practice of employing a staff liaison person to work with the Ontario Municipal Board and with school boards throughout the Province.

MINISTRY OF NATURAL RESOURCES. One group noted that this Ministry fails to observe local official plans on Crown lands, and enforces strict control on severances adjacent to such land. Another found the 100-year storm level criteria unreasonable, and suggested that the Ministry's criteria for hazard lands and its delays in approving subdivisions contribute to land and housing costs.

MINISTRY OF THE ENVIRONMENT. There is concern that the Environmental Assessment Act and Ministry regulations will contribute to further delays and complications in municipal planning procedures. One submission urged that the Act not become the basis for a second and separate planning approval system. Another implied that inspectors from the Ministry of Environment and the Ministry of Health were inadequately equipped to assess the sanitation and drainage requirements of different types of properties.

ONTARIO HOUSING CORPORATION. One group objected that the Corporation was able to bypass local planning committees to obtain a severance which these committees had refused.

MINISTRY OF TREASURY, ECONOMICS AND INTERGOVERNMENTAL AFFAIRS. There is some uncertainty about what this Ministry expects from municipalities.

5. Provincial Treatment of Municipalities
and Private Landowners

Several submissions inferred that Provincial actions in support of land use goals are sometimes capricious and unfair, and can impose unacknowledged costs on municipalities and individuals. Examples include the following:

- The designation of hazard lands or of land for Parkway Belt purposes, or the freezing of land for agricultural uses, without compensation to owners.
- Provincial failure to consult municipalities while producing policies or legislation which will affect them.
- Failure to observe approved official plans.

Recommendations following from these objections call for:

- A system of just compensation for landowners whose property decreased in value as a result of Provincial planning decisions.
- Consultation procedures, perhaps utilizing the Municipal Liaison Committee, to share information, co-ordinate planning objectives and resolve differences between municipalities and the Province with an understanding that municipal statements will be considered significant input into the formulation of Provincial policy.
- A commitment on the part of Provincial Ministries to adhere to approved official plans.

ADVISORY FUNCTION: THE MINISTRY OF HOUSING

General comments on the Ministry of Housing were critical of its operations for being arbitrary, inconsistent and unnecessarily time consuming. Other criticisms included the following:

- The Ministry exercises too much control over local decisions.
- The Ministry is too remote from planners in regions distant from Toronto - e.g., Eastern Ontario. (Several submissions commented negatively on the reversal of decentralized approvals by Ministry staff.)
- The Ministry appears to be physically overstaffed and intellectually understaffed. Internal procedures are cumbersome and bureaucratic. It generates too much paperwork, and often requires too much detail of municipalities.
- It is a conflict of interest for the Ministry of Housing to be responsible for planning.

Recommendations related to these criticisms generally emphasized a lessening of Provincial controls and an increase in advisory activity:

- There should be less central control over permits, fees for inspections, plans approval, hearings, consents, etc. to lessen delays and red-tape.
- There is need for more consultation between the Ministry and municipalities, especially in instances where objectives conflict. The Province should also consult with municipalities about proposed amendments in The Planning Act.
- The Ministry should use incentives to encourage municipalities to implement plans which are compatible with Provincial objectives. Municipal grants should be used in this way.
- There is a need for more decentralization of Ministry functions and for more contact in general between Ministry staff and local officials (e.g., through site visits).

- The Provincial planning staff could be reorganized to serve as a resource group to municipalities and to Provincial Ministries. It could study issues of municipal concern which transcend municipal boundaries, and provide research for Provincial planning.

Specific comments on Ministry activities fall into two major areas of concern: advisory and information services, and the approval process.

Advisory and Information Services

The many references to information deficiencies and the need for guidelines on The Planning Act and planning in general suggest that these are matters of widespread concern. Specific complaints on information problems were:

- There are insufficient Provincial guidelines to assist municipalities with the preparation of local plans; in the absence of such guidelines, it is easier for the Province to withhold approval and it is difficult for others to raise objections.
- The Province does not adequately explain new policies and programs to affected municipalities (e.g., land assembly).
- Some planning procedures (e.g., development control) are too complex for laymen to understand.
- It is difficult to get information about past planning decisions.
- There are insufficient copies of The Planning Act available to local agencies and committees.

Recommendations to overcome information deficiencies fall into three categories, with some overlap among them: (a) operation of the planning system; (b) content of municipal planning documents; and (c) information needs and retrieval mechanisms. One significant area of disagreement

among these recommendations centres on whether the Province should limit itself to providing general guidance on planning procedures and on the interpretation of Provincial policies and regulations pursuant to the Act, or whether Provincial guidelines should deal with the specifics of plan preparation and substance. While most submissions tended to favour more rather than less Provincial guidance, others felt that the control of official plans should continue to be the responsibility of local governments, and should reflect the needs and problems of local areas. According to this view, the official plan should not be used as a vehicle for announcing or enforcing Provincial policies, nor should it be used to implement ministerial preferences not formally approved by the Provincial government.

a) Operation of the Planning System

Specific recommendations dealing with the need for advice in the operation of municipal planning include the following:

- The Ministry of Housing (perhaps in conjunction with the Ontario Municipal Board and representatives of the Provincial Committees of Adjustment and Land Division Committees) should issue specific procedural guidelines related to the provisions of The Planning Act, Ministry regulations, and decisions of the Ontario Municipal Board and the courts. (A dissenting view, however, held that fixed guidelines often become restrictive.) The Ministry should also issue circulars enunciating new policies, procedures or regulations, and require municipalities to maintain copies of these for public reference. All guidelines should be readable, comprehensible and briefly stated.
- The Ministry should sponsor an ongoing, Province-wide educational program (e.g., planning courses in the field, or regular conferences, workshops or seminars) to improve the knowledge and technical skills of planning staffs and of members of local planning committees.

- The Ministry should make advice and assistance available at the local level (especially to small municipalities) by providing resource personnel or by continuing to staff branch offices with persons who can assist local governments and local planners. Resource persons should have access to government departments and the power to act for planning boards in facilitating requests, advising, and supplying information.
- The Province should issue detailed guidelines on how municipalities can implement the objectives of official plans.

b) Content of Municipal Planning Documents

The following recommendations deal with requests for advice on the content of municipal planning documents:

- The Ministry of Housing should prepare manuals to guide municipalities on the preparation of official plans. These manuals should cover such topics as desirable format, the nature and feasibility of municipal objectives which might reasonably be included, research procedures, and information on the use of development control, zoning, urban renewal, subdivision control, etc. (Alternatively, the functions and contents of official plans should be expressed in Ministerial statements).
- The Ministry should prepare an instructional handbook for members and secretary-treasurers of Committees of Adjustment and Land Division Committees.
- There should be statutory definitions of the nature of supporting documents to official plans.

c) Date Requirements and Information
Retrieval Mechanisms

Recommendations in this category were as follows:

- The Ministry of Housing should establish a standard land use classification system for all municipal plans.
- The Province should develop a mapping system suited to Provincial, regional and local planning needs, based on a metric scale.
- The Province should have aerial photography done on a regular and frequent basis.
- Base data for municipal planning should be coded for computer storage and retrieval.
- The Province should require the systematic storage of old official plans and their amendments, zoning by-laws and their amendments, and significant reports likely to have a bearing on property values. These are needed by assessors and appraisers.
- The Ministry should establish a central information centre related to planning matters. Supporting material for planning applications, together with studies and data available to or from municipal planning staff should be collected in the centre and made available to all interested parties. This centre could also undertake planning research and recommend Provincial funding of municipal research related to planning.
- There is a need for a bibliography of available planning sources and a catalogue of films.
- There should be a standing advisory committee to the Minister, composed of representatives of planning committees, to monitor and report on the practical application and ramifications of existing and proposed legislation.

REVIEW AND APPROVAL PROCESS

As expressed throughout this report, the procedures for the approval of municipal planning activities have been characterized by three related types of criticism: they are too complex; they are too slow; they are arbitrary and unpredictable. These problems have been attributed to the following factors:

- Overlap and duplication of review and approval functions among several jurisdictions (especially in two-tier local government systems).
- Widespread circulation of plans, the growing number of approvals required and the slowness to act on the part of the approving bodies. (This latter criticism was also directed toward municipalities.)
- The absence of explicit Provincial policy and approval criteria.

The open-endedness of the process, in particular, was strongly criticized for permitting ad hoc changes to plans based on personal opinions of staff. The opinions appeared to vary from case to case and even from person to person. Frequent staff changes at the Ministry also meant frequent changes in interpretation of policies.

Recommendations to improve the approval process included the following:

a) Reduce Complexity

Suggestions to simplify the system were primarily concerned with removing duplication by delegating approval powers.

- Delegate review and approval powers to a lower level of government. (Several submissions suggested that the approving level should be one level higher than that offering the plan for approval. Others specify either the regional or a restructured county government as the appropriate approving body for local plans.) After delegation, the Ministry should review only those plans to which objections are raised. There were conflicting opinions on this point, however.

One thought the Ministry should retain watchdog function.

Another held that Ministry staff competence was superior to local competence in this matter. A third maintained that the Provincial bureaucracy is less subject to political pressure than are local officials.

- Make the Province responsible for approving official plans only, and delegate to local municipalities final approval authority for local matters (e.g., any or all of zoning changes, severances, minor variances, plans of subdivision, official plan amendments, secondary plans). Local municipalities could refer applications to appropriate agencies at the regional and provincial levels for comment. All Provincial Ministries and other bodies which desire changes in the plan should make representation at the local level like any other interested party. The Ontario Municipal Board and the Ministry would intervene only when disputes arise. (A recommendation consistent with this position is that a local municipality should not be able to change an approved Official Plan without Provincial consent.)

b) Accelerate the Process

Recommendations to speed up the process included many of the points raised in the discussion of subdivision approval - i.e., impose a statutory time limit on the circulation and approval of plans; reduce the number of agencies consulted; and process subdivision applications and all necessary amendments concurrently. Other suggestions were:

- Establish a central clearing house for applications, where they can be classified in order of complexity, and simple documents can be dealt with rapidly.
- Reduce the number of steps involved in the approval process (especially for smaller scale developments). For example, the

Province should not approve subdivisions and Land Division Committees' consents when both are part of the same process. Approval for subdivisions should be vested in one authority.

- Ensure that municipalities have adequate planning staff.
- Allow temporary approval of some proposals (e.g., Control By-laws) to allow them to become effective immediately. Permanent approval would be granted only after consideration of all comments from interested persons and agencies.

c) Increase Certainty and Accountability

Numerous suggestions were made to "rationalize" the system and reduce the discretion currently permitted:

- Requirements and standards which are of Provincial concern should be authorized through regulations under The Planning Act and not imposed arbitrarily.
- Objection to municipal plans should be made explicitly by the Cabinet, not by civil servants; the Province should be held accountable.
- Modifications to an adopted plan made by the Ministry should be subject to appeal to the O.M.B. just as the plan is or any part thereof, and the wording of the pertinent subsection (15(1)) should reflect this. Also, in referring an official plan amendment to the O.M.B., it was requested that the Minister require the Board to hold a public meeting prior to a decision.
- It is recommended that position papers or speeches which are Minister's guidelines to The Planning Act and are meant to provide interpretation to certain sections of the Act be included as part of an Appendix to the Act. In this manner, ministerial policy would require amendment or addition to the Appendix rather than the present state of confusion which results from not knowing which policies remain after the Minister has been replaced.

The Role of the Ontario Municipal Board

Most submissions which deal with the O.M.B. agree that there should be some type of appeal from planning decisions, but disagree on the form it should take. Some would make few or no changes in the Ontario Municipal Board; others would dissolve the O.M.B. altogether and set up greatly revised appeal procedures (either decentralized to local governments or centralized in some new body at the Provincial level); still others call for an extensive study of the Board to determine what changes should be made in O.M.B. functions in relationship with other government bodies. In brief, there is a wide variety of opinion but a lack of consensus about the nature, role and function of the Board, its powers (or their delegation) and its operating procedures.

1. The Purpose of the O.M.B.

Differences of opinion about the O.M.B.'s powers and procedures are closely tied to fundamentally different views about the place the O.M.B. occupies or should occupy within the system. All functions attributed to the Board raise a number of opposing statements. Views and their objections include the following:

The O.M.B. is an independent tribunal, similar to a court of law, and is able to arbitrate fairly and impartially among competing interests.

Objectors to this view maintain that:

- Planning decisions are essentially political value judgements; they are not technical or objective. The O.M.B. is merely replacing its value judgement for that of municipal councils.
- The O.M.B. acts like a court, but it isn't. It also is not subject to checks and balances. In taking over decision-making from elected representatives, the Ontario Municipal Board allows municipalities to avoid controversial issues, thereby weakening the local government system.

The O.M.B. is an interpreter of Provincial Policy. If so, run the counter-arguments:

- The Province should clearly state the policies it expects the O.M.B. to follow. Where policy is not clear, the Board should ask for clarification.
- It is the responsibility of the O.M.B. to apply policy, not make it. In the absence of a specific Provincial policy, there should be no grounds for appeal to the O.M.B. A counter-argument holds, however, that in the absence of a Provincial policy, the O.M.B. should evaluate all the evidence and make the most reasoned decision it can.

The O.M.B. is a protector of citizen interests. This view raises the following objections:

- The O.M.B. was created as an arm of the Executive Branch of government, not as an Ombudsman. Its function is to follow government policy. It has tended to brush aside citizens concerns, not so much because of prejudice as because of the vagueness of Provincial policies.
- The degree to which the O.M.B. has been sympathetic to citizen concerns depends on the personality and philosophy of the Chairman, not on the Board's ability to make decisions on planning matters.

The O.M.B. is a protector of the interests of private property owners. Submissions tending to endorse this view also tended to favour retaining the O.M.B. in its present form. While some see the Board as a check on arbitrary actions by local councils, others view it as a cover for the inadequacy of local planning boards.

2. Composition and Organization of the O.M.B.

Comments on O.M.B. membership and administrative organization were concerned with three problems: making the Board more representative of a variety of community interests; easing the Board's heavy workload, and making the Board more responsive to local issues.

a) MEMBERSHIP OF THE BOARD

The following proposals reflect a concern with the representativeness of the Board membership:

- Board members should be elected rather than appointed (although this might impair impartiality).
- New appointments to the Board should be selected with a view to obtaining a wider variety of relevant occupations and backgrounds among Board members. One submission suggested that Board members at each hearing should consist of one Land-use Planning Branch Member as Chairman; one municipal or Provincial planner; one member of a University planning school or a planning practitioner. When hearings are held at the municipal level, a municipal planner should sit on the Board.
- Except at preliminary hearings and appeals from Committees of Adjustment and Land Division Committees, where a single Board member could preside, every application to the O.M.B. should be heard by at least two members.

b) WORKLOAD

The following recommendations are concerned with helping the O.M.B. to deal with its tasks more effectively:

- The O.M.B. needs more staff and resources.

- The O.M.B. should be divided into two branches - an Administrative Branch and a Hearings Branch.

c) RESPONSIVENESS

A final set of recommendations were designed to increase the Board's responsiveness, especially to local interests. Recommendations of this type call for decentralization of the Board to local offices, or for greater sensitivity to different municipal needs.

- O.M.B. hearings should be decentralized to reduce delays and provide greater sensitivity to area concerns. One problem linked with this approach, however, is that whenever an operation is decentralized, a central agency is created to co-ordinate decisions.
- The role of the O.M.B. should be revised to emphasize its involvement with weaker municipalities and to allow more freedom to larger municipalities.
- The O.M.B. should relate its deliberations more to the needs of the community. For example, it should make site inspections in cases where the Committee of Adjustment's decision is not unanimous.

3. O.M.B. Powers

Lack of agreement about the purposes served by the O.M.B. is matched by a lack of agreement about the powers it should exercise. Submissions argued that (a) the powers of the O.M.B. should remain unchanged; (b) its powers should be strengthened; and (c) they should be reduced.

Arguments for maintaining present O.M.B. powers include the following:

- The O.M.B. is an impartial arbitrator not susceptible to pressure groups.

- The O.M.B. has achieved a stature in its current role that no Planning Review Officer, Review Board, or other proposed body could hope to work toward, except over the very long term.
- The O.M.B. powers to review and approve zoning by-laws, and, on appeal Official Plans, has been a valuable resource to local planning boards. The additional time required to process such submissions has mollified as well as restrained requests for significant changes, while encouraging applicants to submit proposals in greater detail, and in better conformity to existing plans.

Two submissions supporting retention of the Board's present powers specifically rejected the idea of replacing the O.M.B. with an inspectorate system.

Arguments to strengthen and expand the Board's powers include the following:

- The O.M.B. should be empowered to hear consent applications if a local Committee cannot reach a decision. (No decision might be considered a negative decision.)
- The O.M.B. should have power to state cases of law to the county or district court, as well as to the Supreme Court of Ontario.
- The O.M.B. should be retained in an advisory capacity to municipal councils with extended powers to review zoning by-laws and plans of subdivision.
- The O.M.B. should be empowered to hold public hearings, at the government's request, to review any government proposal likely to affect a community, and to make recommendations to the Provincial government.
- The O.M.B.'s orders should be enforced by its Administrative Branch and by the Attorney-General.
- The O.M.B. should have the right to agree to certain modifications to an application without returning the application to the municipality for another complete run through the approval process.

By far the largest number of briefs endorsed a reduction in the O.M.B.'s powers. Three approaches were suggested: removing some powers altogether; transferring some or all powers to another authority at the Provincial level; or transferring powers to a local authority.

a) REMOVE SOME POWERS ALTOGETHER

- The role of the O.M.B. in planning matters should be eliminated. Being a non-political body, it risks making decisions without allowing adequate recourse.
- The O.M.B. should have its role altered to deal solely with planning matters, with financial duties vested in a separate agency charged with responsibility for all financial approval matters in the Province.
- O.M.B. approval of amendments to approved Official Plans and approved zoning by-laws is not necessary or desirable, provided the amendments do not change the general intent of either kind of document. It should remain a court appeal.
- O.M.B. hearings with respect to Committees of Adjustment should be dispensed with.
- The O.M.B. should not be required to approve zoning by-laws; this should be the responsibility of the municipality.
- The O.M.B. should not look at zoning by-laws when no objections are raised.
- O.M.B. appeals should be limited to secondary plans and applications under the Plan Implementation Sections of The Planning Act. This would exclude primary plans from O.M.B. appeal. Thus, the O.M.B. would not have to deal with policy issues, but would only deal with proper application of policy - "the O.M.B.'s forte".

b) TRANSFER POWERS TO ANOTHER PROVINCIAL AGENCY

Although most submissions tended to favour retention of the O.M.B. as the appeal agency, a few would do away with it altogether, and transfer its powers to an existing or newly-created agency. Still others would transfer some of the Board's powers to other bodies, but would retain the O.M.B. for specific functions. Recommendations for a transfer of powers were as follows:

- There should be a body or bodies other than the O.M.B. to hear appeals on planning matters. It should consist of people knowledgeable in the fields of law, finance, sociology, health, environment, planning and related fields. All persons present at hearings should be on an equal footing, and for those who need it, should be given assistance with the preparation of presentations.
- The O.M.B.'s present responsibility for supervising the municipalities' capital expenditures should be transferred to the Ministry of Treasury, Economics and Intergovernmental Affairs. The O.M.B. should be empowered to hear appeals on the merits of individual projects.
- The O.M.B.'s power to create, dissolve, amalgamate or annex municipalities should be transferred to the Ministry of Housing and the Lieutenant-Governor-in-Council (Cabinet).
- The O.M.B. system as applied to the aggregate resource industry has proven outrageously expensive, completely oblivious to time, and lacking in expertise to deal with vital considerations. The Province should establish a Mineral Resource Hearing Board to hear zoning changes for resources. Its members should have expertise in areas of environment, municipal affairs, resource management and housing.
- The appeal process should be geared to the Minister of Housing. The O.M.B. could be retained to recommend on matters referred to it by the Minister.
- A Provincial mediator, reporting to the Minister of Housing, should hear appeals on Official Plans amendments. Final decision would rest with the Minister.

c) DELEGATE POWERS TO A LOCAL AUTHORITY

Several submissions argued that the procedures and character of the O.M.B. raise institutional obstacles which effectively block access to the appeal process. One submission points out that a court decision (Zadrevac et al and Town of Brampton 1973 3 OR, 498) has even relieved municipalities of the duty to hold a hearing or give notice of zoning by-laws, although most municipalities continue to do so. An indirect effect of that decision has been to demean the role of the municipal council. Recommendations related to these concerns were as follows:

- The Planning Act should provide for creation of a local tribunal committee, to resolve disputes at the local level. Recourse to the O.M.B. should continue if the dispute is unresolved.
- Planning Board decisions should be subject to appeal to the next level of government.
- There should be an appeals board for each level of approval.
- Decisions of the Committee of adjustment, the land division committee and the local council could be appealed to the regional council on questions of fact or law, thus relieving the O.M.B. of first level appeals. Only planning decisions reached by regional council would be subject to appeal to the O.M.B. and only by parties to the original hearing or appeal. No appeal should be allowed on the basis of new evidence submitted after the regional decision, although the matter may receive a new hearing at the regional council.
- Conflicts between the two tiers of local government should be met by compromise and use of a mutual veto rather than by the O.M.B.
- The O.M.B. should be empowered to approve a municipality's total allotment for capital expenditures, leaving the municipal council with monitoring authority.

4. O.M.B. Procedures

Comments on the way the O.M.B. handles appeals are addressed to three issues: clarification of the appeals process; the time involved, and the conduct of hearings.

a) NEED FOR CLARIFICATION

Submissions call for greater clarification of the grounds for appeal and the procedures:

- The O.M.B. should publish a brochure, spelling out in plain language exactly what the Board's functions, powers and procedures are.
- The O.M.B. should rewrite its procedural memoranda and prepare application forms, standard public notices, by-laws and other such material, all in everyday language.
- There is a need for rules for giving notice for zoning amendments where the by-law has general applicability to a municipality or a substantial area of the municipality.
- The O.M.B. should set up information centres throughout the Province. Branch offices of the Ministry of Treasury, Economics and Inter-governmental Affairs, or of other ministries could be used for this purpose.
- All functions of the Ontario Municipal Board and all legislation relating to its role should be catalogued.
- The O.M.B. should publish its decisions and the reasons for them, and make this information available to all interested parties for future reference.

b) REDUCTION OF THE TIME TAKEN BY APPEALS PROCESS

A recurring complaint is that the appeals process is too cumbersome and time-consuming. The bulk of comments on this topic attribute the length

and frustrations of O.M.B. proceedings to the number of "frivolous" objections; the inadequate mechanisms to screen out such objections, and the failure to hold objectors responsible for their actions.

Some recommendations imply a need to tighten up the rules for appeal:

- Objectors should only be permitted to object at the initial stage (of a planning action).
- Anyone can appeal on any grounds at present. Hearings are never turned down on insufficient grounds. The appeal system should be more limited.

Others recommend establishing some kind of mechanism to determine the validity of objections:

- If only a few objections are raised to a specific by-law application, the O.M.B. should conduct an administrative review or a preliminary hearing to determine if a full hearing is required.
- More use should be made of the "pre-trial" provisions of the Ontario Municipal Board Act.
- An Office of Planning Ombudsman should be established to assess the legitimacy of appeal at time of rezoning.
- A three-person body, representing the Ministry of Housing, the Ontario Municipal Board and the local council should judge whether an objection is "in the public interest".
- An objector should have his complaint reviewed by a lawyer to assess its validity. Legal Aid should be broadened to permit this service.
- The Planning Act should define "frivolous requests" and should establish criteria to determine what constitutes an invalid objection.

Finally, a number of submissions argue for measures to discourage objections or to make objectors more responsible. (See also Zoning By-laws.)

- There should be fees or deposits required from those making appeals. (Some point out, however, that these would discourage low income persons from using the process.) This deposit would be forfeited if the appellant failed to attend the O.M.B. hearing; failed to outline the issues of appeal; withdrew the appeal without notice, or if the Board determined the appeal to be frivolous.
- Fines could be levied for objections found to be frivolous. Advance ratification of the possibility of a fine would allow objectors to withdraw.
- Where an objection to a zoning by-law or amendment results in a hearing, the appellant should be subpoenaed to the hearing automatically.
- The appellant should be required to state reasons for an appeal to the O.M.B.
- It should be possible for an individual to appeal to the region or the O.M.B. on questions of law or fact, not just because the individual does not like a decision.

Not all recommendations aimed at speeding up appeal process dealt with the nature of objections. Other recommendations were as follows:

- The Province should reduce the grounds for appeal. For example, a severance and rezoning change should not both be allowed appeal.
- There should be a standard form of appeal.
- The O.M.B. should not hold a hearing on procedural grounds. In such a situation, the O.M.B. should direct Council to review its decision, following proper procedures. (Another submission argues for allowing appeal to the courts on procedural matters.)

- The Province of Ontario or any other government agency should be placed on an equal footing with citizens in making an objection to a municipal by-law. Not only should the Province have to make its objection at an O.M.B. hearing, but it should be prepared to substantiate its objection. This would require the Province to actively understand and review municipal policies, rather than making technical comments which often lead to queries and prolonged consideration by the O.M.B.
- There should be a reduction of the time period for appeals. (For example, the period of appeal from Committee of Adjustment decisions should be shortened to 15 days.) Periods for filing appeals should be uniform for most types of applications.
- A time limit should be imposed within which the O.M.B. must provide a hearing (suggested limits range from four weeks to three months).
- Objections to a hearing date should be filed three weeks in advance and the O.M.B. can decide at that time whether to reschedule.

5. The Conduct of Hearings

There is a difference of opinion as to whether the use of an adversary system is the appropriate way for the O.M.B. to perform its function. Some maintain that it works well and should be retained; others criticize it for being too formal, for giving lawyers preferred treatment over citizens, and for requiring people to seek legal assistance (thereby limiting public participation). One planner suggested that it be replaced by the type of approach used in Australia, Great Britain and Newfoundland. There, the appeals board takes the form of an informal, relaxed and discursive forum which encourages any party to express his viewpoint at any point in the discussion without fear of "legal assassination". The aim is to place decision-making on a planning rather than a legal basis.

6. Appeal from an O.M.B. Decision

Recommendations dealing with internal review of O.M.B. decisions or with appeal to the Provincial Cabinet were concerned mainly with expediting the process of implementation.

- The O.M.B.'s power to review its own decision should be restricted as to time and extent.
- The right to appeal to the Cabinet from the O.M.B. should be granted only by the Minister of Housing. This would help eliminate appeals submitted for the purpose of delay.
- The right to appeal a decision of the O.M.B. to the Lieutenant-Governor should be subject to the granting of leave to appeal by the O.M.B., and if leave is granted, then the municipality should have a right to be heard by an appropriate committee of Cabinet before a decision is made by the Lieutenant-Governor; a section should be added to the Act requiring the Lieutenant-Governor to decide on an appeal within 60 days of the filing of an appeal.
- It should be possible for an objector to appeal an O.M.B. decision to the Cabinet only if a panel of three O.M.B. members (none of whom made the original decision) finds that the matter is important enough to warrant the Cabinet's attention, that the Board may have deviated from government policy, or that no government policy is applicable to the case.
- The Cabinet should retain its right to interfere with an O.M.B. decision on its own initiative.
- When an appeal comes to Cabinet, all interested parties should be notified immediately by mail, specifying that written submissions must be received within 15 days.
- Matters of a substantive planning nature should be appealed to the Ministry of Housing, with the requirement that the final decision must be made within six months.

A related concern is the Board's accessibility to citizens. While some persons feel that the Board is too accessible, others do not agree. They recommend that:

- Unincorporated citizens groups be given the right to appeal to the O.M.B.
- The Board should hold its hearings in the evenings.
- Legal Aid be extended to citizens to help them cope with cross-examination.

Other comments and recommendations related to the conduct of hearings deal with the presentation of evidence, and the extent to which the O.M.B. should hear new evidence or limit itself to those considerations which formed the basis of the municipal decisions:

- A person seeking a rezoning at the O.M.B., or objecting to a municipal by-law, should have the onus of proving by a preponderance of evidence that the Municipal Council and the Planning Board were in error. Planning Board and Council have spent much time on a land use problem, and it is wrong for the municipality and the objector to be on an equal footing.
- The O.M.B. should make a practice of accepting reports and other written material, have the right to challenge it in writing, and have the right to request oral cross-examination (with the decision left to the Board).
- Amendments to the Ontario Municipal Board Act and The Planning Act should make it clear that an objection or an appeal to the O.M.B. will be treated as an appeal and not as a hearing de novo (i.e., a full new enquiry).
- The O.M.B. rather than the municipality should be responsible for obtaining any new information required during a hearing.

SPECIAL ISSUES

PLANNING AREAS

Although there were numerous concerns about the need for planning legislation to recognize the different geographic circumstances throughout the Province (rural-urban, northern-southern, growing-declining), few points were made specifically about the definition of planning areas. One comment was that the single municipality concept is no longer valid as a rational planning area. It was suggested that the minimum size of a planning area be no less than a county and the Act be amended to reflect this redefinition. Another concern was that the legislation should require the Minister to consult with affected municipalities before altering planning areas. (re 2:8).

A particular problem mentioned in connection with planning areas was the definition of joint planning areas. Difficulties were described regarding irrational or overlapping boundaries where "subsidiary areas" appeared to be part of two areas, a factor which caused extreme confusion in the preparation of official plans. Clarification was requested of the expression "part of a planning area". It was also suggested that the Minister should define the scope of planning for subsidiary areas, as granted under Section 2(4), to avoid unnecessary duplication of planning activity.

RURAL AREAS

The majority of submissions dealing with rural concerns commented on the difficulty of preserving rural land for agricultural and food production purposes. There was general agreement that the municipal

planning system was inadequate to resolve pressures on rural land generated by urban encroachment and by the economic instability of farm activity. Rural problems were discussed in relation to planning techniques, municipal planning organization and incompatible uses.

1. Municipal Planning Instruments

A number of comments dealt with planning instruments and the ways in which they are applied in rural areas.

- The planning system in Ontario has evolved as a response to urban oriented problems. Most official plans for rural areas have developed using classical methodology and an urban research orientation. Most rural plans concentrate on urban development issues rather than on the management and utilization of the rural resource base.
- In many cases, only a zoning by-law is needed in rural areas; municipalities should be allowed to do zoning first and then think about where they are going to go.
- Difficult procedures for amending plans deters rural municipalities from planning.
- The Government's HOME plan discriminates against farmers and encourages urban development in rural areas.
- Whatever amount of agricultural land is being turned into urban use (e.g., housing, industry and related services) far more is being transferred into private rural estates, idle investment and speculative holdings, and into unutilized or under-utilized parcels isolated by poorly-planned development.
- The requirement for minimum 25-acre building lots means half an acre of development and 24 1/2 acres of weeds.
- The Agricultural Code of Practice is administered too inflexibly and there is no appeal.
- The use of the agricultural holding category encourages speculation and affects the cost of land.
- Random location of dwellings through poor severance policies on rural roads prejudices the effective development of agricultural land.

- In rural areas, too much land is used in consents when population could be accommodated in hamlets. Standards for road dedication are excessive, and minimum lot sizes are larger than needed for septic tanks. These standards derive from administrative concerns, not from need.
- In rural areas, official plans are hindering rather than helping the rural economy; for example, by preventing the use of marginal land for estate development.

Recommended changes in the use of planning instruments included the following:

- It should be possible to achieve rural planning objectives with existing planning tools (official plans, zoning, controlling severances, etc.) so long as there is adequate Provincial support. Official plan statements regarding rural areas should include general policies relating to agricultural land use, transportation, limitations on severances and improvement programs.
- Farmland should be designated and protected through zoning. Land use should remain constant, regardless of whether land is farmed; the practice should be similar to land banking. If land is not being farmed, perhaps it should be heavily taxed.
- Rural estates should be excluded from areas of prime foodland and carefully scrutinized elsewhere before approval is given.
- Severances should be more strictly controlled and rural planning should put greater efforts into enhancing committed agricultural uses.
- It is better to allow controlled expansion of existing villages than strip development. The latter is more disruptive to agricultural use and more expensive to service.

2. Municipal Planning Organizations

Several briefs commented on problems in rural areas stemming from local government structure. (See also Land Division Committees and Committees of Adjustment). A basic issue is the fragmentation of service delivery among several public and private agencies (Bell, Hydro, Ministries of Health and Transportation, various law enforcement agencies). As expressed in one submission:

- The social, economic and political needs of the rural community have been ignored. Unnecessary intrusions have come from uncoordinated private actions, from public agencies and from direct government intervention.

Other comments pertained to local government organization for planning:

- Administration of planning controls is inconsistent and inequitable. Farmers are often zoned into agriculture by municipal by-laws while councils in adjacent jurisdictions allow severances and subdivisions on top farm land.
- Theoretically, the local planning board has the power to guarantee rural policy established in an official plan. The lack of political commitment to these policies at the local level, however, permits land zoned for agricultural production to be changed to other uses. Not infrequently, councillors who are themselves farmers encourage the sale of farm land.
- The composition of the local planning board or council, and particularly the committee of adjustment, affects the protection of agricultural policies. Farmers are poorly represented on local councils, planning boards, etc. If council members mainly represent real estate interests, land is more likely to be used for development.
- Where townships are too small for official plans to be prepared under current Provincial policy, small townships are, in effect, being "planned" by the actions of land division committees, all too often, with indifferent policies.

Several briefs suggested changes in planning organization in rural areas, primarily to place rural planning controls in a second-tier government:

- Municipalities are considered too small to enforce Province-wide agricultural policies. While second-tier planning authorities (county or region) might be able to administer these policies more effectively than local jurisdictions, the policies have to be established and supported by the Provincial government.
- The regional-county level of government is better able to achieve agricultural preservation and equalize resources than local governments. The second tier is less subject to political influence and can better co-ordinate local plans and local service needs to meet provincial objectives.
- It should be possible to establish counties or other groups of adjoining municipalities as planning areas without including large cities located in their midst. Otherwise, rural representatives will be out-voted and traditional rural values will not be maintained.
- There should be agricultural representation on all planning bodies dealing with the removal of prime agricultural land from agricultural production.
- Full-time farm residents should have more political voice than part-time residents.

3. Incompatible Uses

A third problem associated with the preservation of rural land is incompatibility of uses resulting primarily from non-farm residential development. Specific complaints were as follows:

- Part-time residents tend to group with other urbanities, and thus break up the farm community.

- Urban residents can complain about the location of farm buildings but farmers cannot complain about the urbanist's house.
- The practice of urban centres taking their water supply from surrounding areas can lower the water table and dry up many farm wells.

Recommendations to deal with perceived conflicts and incompatibilities include:

- A full planning package for agriculture must include consistent restrictions against encroaching uses not compatible with agriculture, and it must provide for financial assistance to enable a farmer to relocate after he has been crippled by encroachments around his present farm.
- Buffer zones are needed at points of interface between agricultural and other land uses.
- Rural residential areas must be self-sufficient. Required services should be paid for by impost fees to safeguard municipal budgets.
- Non-farm residents on rural residential lots should not be permitted to complain about accepted agricultural practices (sprays, noise, etc.)
- Residents engaged in rural activities on residential lots (e.g., horse stables, milk farms) should be subjected to controls, especially lot sized.
- Urban centres should be required to seek alternate water sources.
- High density development in rural areas should have a central water system.

4. Rural Planning Policies

Opinions differed on the type of planning policies needed to support agricultural viability. (See also Consents). A number of briefs endorsed strict controls to preserve land for permanent agricultural use. The

responsibility for such restrictions was generally understood to be a Provincial concern.

- The Planning Act should recognize farming as the dominant land use in agriculturally designated areas, and require other uses to conform to it.
- Provincial legislation, such as a "Food Land Preservation Act", is required. There is also a need for an overall regional plan for preservation of agricultural land.
- There is a need for Provincial guidelines on the preservation of agricultural land. These should be implemented locally.
- Provincial policy respecting agricultural land should apply to all class 1-4 agricultural land, and even "lower" class land where viable farm operations are underway. Such a policy should limit non-farm severances; allow no rural subdivision; structure urban growth in or adjacent to existing urban centres; establish a list of compatible uses which will not close options for future agricultural pursuits; and make special provisions to keep lands destined for urban development in efficient food production until the last moment.
- All lands zoned agricultural should be placed under the Ministry of Agriculture.
- The Province should impose a freeze on growth in towns located on agricultural land.
- The Agricultural Code of Practice, published by the Ministry of Environment and of Agriculture and Food, should be incorporated into The Planning Act, with input from municipalities as to its content and use.
- Land for agricultural use should be retained in large blocks (1,000 - 2,000 acres).
- The ARDA program should be extended to bring idle farmland on the urban fringes into the program.
- The Province should provide incentives to encourage urban settlement on poorer land, by direct servicing, improving transportation links, etc.

- Land banking could be used to retain agricultural land. Farmers should then rent from the Province.
- A satellite area for retired farmers should be set aside in each community within commuting distance of family farms.
- The aesthetic qualities of the Ontario countryside should be recognized and their component features protected. Legislation should embody the following guidelines: no strip development through severances; country home subdivisions should relate to the terrain and generally be kept from view; tree-lined roads should be maintained and protected; eyesores such as junkyards, large parking lots and abandoned gravel pits should be hidden from view by screening; historical landscapes (groups of buildings, including unusual or old barns) should be recognized, individual demands for rural, non-farm homes should be deflected into existing hamlets or small villages.

Other submissions indicated that strict policies in themselves would not resolve rural problems. The basic issue, it was felt, was one of conflicting economic interests.

- Urban and commercial interests usually gravitate toward the better agricultural areas. The competition for land that results is very one-sided, as agriculture generates lower monetary returns than other uses.
- Historically, we have perceived rural areas as residual areas, not as planned for but to be subordinated to urban development needs. Agricultural and resource management uses have been unable to compete economically with urban uses for space. The free market system is not an effective or sound vehicle for rationalizing the long term use of the land resource base in rural areas.
- The purchase of farmlands for speculation purposes is one of the greatest sources of agricultural instability.
- Although strict policies to control land severances are needed, until the farmer can make agriculture an economic operation, he will have to sell portions of his land to maintain a reasonable standard of living. The farm economy is the problem; not the Provincial system for local planning.

- To freeze agricultural lands into unprofitable permanent agricultural use to supply a rural atmosphere, a playground for other residents, is unjust and inequitable. With land locked in at a low agricultural appraised value, the farmer is open to having his land bought or expropriated by the Provincial Government, or by other governmental bodies or agencies which would be able to obtain the land at a ridiculously low price.
- The Act should provide for a Provincial agency to guide, but not completely control foodland resource use.
- There is over-concern for preserving farmland from residential development. Compensatory opportunities should exist to develop more efficient farming methods on the remaining land; develop more intensive use of farmland elsewhere.
- Urban people consider farmland a resource to be preserved at the expense of the farmer.

Several submissions acknowledged the concern with economic inequities arising from policies to preserve land for agriculture, and some suggested ways to avoid them:

- Income should be gained through farming, not land. Issues other than planning are involved - e.g., income stabilization, farm marketing programs, and restrictions on foreign ownership.
- Several changes are needed to produce an economic balance in favour of agriculture: a reduced tax structure for land used for commercial agriculture; provision of the opportunity for public use of private lands for recreation purposes, with returns accruing to owners; giving incentive grants (to provide at reasonable cost for housing) only to developers who develop other than prime agricultural land, and restricting capital and other grants to those who agree to maintain land in agricultural production for a specified number of years.
- The real need is for the federal and provincial governments to say that agriculture is important and, because it is important, to provide the resources for it.

SMALL COMMUNITIES

The most frequently mentioned planning problems in small communities were related to the difficulties local officials have in understanding or fulfilling the requirements the Province imposes on the local planning system:

- It is very expensive for small municipalities to prepare official plans. They also have problems in understanding the plan and administering it.
- Provincial civil servants slap on requirements in small municipalities that apply only in larger areas.
- Problems in small communities and rural townships include lack of plans; lack of public understanding; guidelines developed by land division committees with little experience of operation.
- When official plans are prepared by outside consultants in communities without local staff to assist with implementation, councils tend to disregard them after the consultant leaves.

Recommendations addressed to the planning needs of small communities frequently emphasized greater advisory assistance from the Province:

- Rural municipalities need to be sold on the merits of planning. Educational efforts, such as seminars, should be used to explain planning and its implications to local, elected officials.
- Rate of growth should determine how much planning is needed in small areas.
- Small municipalities are better served by a system of land use control (zoning) which they administer themselves.
- There should be basic Provincial rules and guidelines to assist small municipalities to develop planning policies.
- Small municipalities should be able to plan for specific problems, rather than having to prepare a formal official plan document.

- The Ministry of Housing decision to re-centralize its approval function is disagreed with. The availability of liaison with field staff who have been allotted some approval powers is useful. They provide expertise, quicker approvals, and strengthen the role of planning boards in small communities.
- If a small community lacks the economic ability to produce an Official Plan, the Province could do it and issue the plan to the community, which can then establish its own schedule for implementation. This would eliminate consultants "selling" plans to small communities.
- Planning advice to small municipalities should come from professional planners familiar with the area, not from people sent from Queen's Park. Although the county level of government could provide more in the way of planning advisory services, there is the difficulty of irrational county boundaries.
- The relationship of small to large municipalities should be clarified.

RESORT AND OUTDOOR RECREATION AREAS

Submissions dealing with areas characterized by high potential for cottage development and outdoor recreation dealt with two quite different concerns: protecting such areas from excessive damage from overuse or misuse; and the problems of servicing such areas.

Recommendations dealing with the need to preserve land for recreational purposes, or to prevent its abuse, included the following:

- Priority designations for preservation of shorelines for public use should include beaches, scenic viewpoints and boating harbours. Ideally, legislation should render all shorelines public but give priority to near-urban shorelines. Strip cottage development should be halted and cluster development encouraged. Cottage conversions should be halted.

- High density development on the lake front should be curtailed.
- Legislation should establish criteria for the designation of scenic resources and permit only compatible development (e.g., forestry, agriculture, recreation lodging, public recreation) in those areas. Urban growth in such areas should have priority.
- Rivers should fall into two categories, day-use and wild rivers. Wild rivers are those which are free from development for the most part, and have good year round flows. Policies for these would prohibit shoreline development and any future damming. Their use should be confined to canoeing, angling and wilderness experiences. Day-use rivers should allow considerable public access for bathing, angling, picnicing.

The following comments dealt with planning and servicing in resort areas:

- With the possibility of a large hydro development almost within our municipality, special rules and legislation will be needed to control trailer parking and trailer parks and to help us to plan to handle extra people in towns and municipalities.
- If seasonal dwellings were suddenly occupied all year, school accommodation would be inadequate.
- There is too much emphasis on urban planning in rural areas. In many cases, all that is needed is a zoning by-law. Setbacks on cottage lots near the water should be judged on their own merit, not standardized in plans or by-laws.
- Sewerage and drainage requirements on a lakeshore subdivision are urban oriented, too stringent, and do not take into account specific factors related to the site, or alternative solutions to problems.
- There is a problem with cottagers wanting a higher level of services.
- The Planning Act should limit year-round occupancy of cottages to retired people.

NORTHERN AND EASTERN SECTORS

Comments on planning in sectors of the Province distant from Southern Ontario indicated the unsuitability of existing planning controls in these areas. The following points were raised on this topic:

- Regulations designed to satisfy the needs and aspirations of large, southern urban centres are not always suitable to the situations of remote, sparsely populated areas. For example, strict building and lot size regulations "stymie" those who want to build their own homes in Northern Ontario.
- Provincial planners are too remote from planners in outlying communities, and are not familiar enough with problems and conditions in those areas. Local people should have more authority to find solutions to those problems.
- Provincial policy for Eastern Ontario should promote community stability rather than hanging so much on a faint hope for growth.
- Provincial policies on severances are irrational and completely inappropriate for northern townships with poor land unsuitable for any type of agricultural operation. The Province should designate Class 1, 2 and 3 lands for agricultural production and relax requirements for severances on poorer land.

UNORGANIZED TERRITORIES

The major concern pertaining to unorganized territories is whether the Province should continue to exercise its present (or greater) planning authority in those territories, or whether more authority could in some way be delegated to the local level. Views on this issue are sometimes conflicting.

Those supporting continued Provincial control made the following points:

- The responsibility invested in the Province is inevitable, because of the need for accountability.
- In rural areas where organized and unorganized municipalities prevail, development control should be practised exclusively by the Province. The present system is cumbersome, slow and ineffective.

The majority view, however, was that more control should be exercised at the local level. Comments reflect the concern for some form of planning organization among unorganized communities:

- The ability of extensive areas of the northwest to work together should be exploited further.
- Before planning can be effectively carried out in unincorporated settlements, there must be some semblance of community organization.
- Larger annexations are needed in some cases to bring unorganized settlements into municipal control. Too often residents feel they can proceed with development without building permits.
- An alternative to the Province carrying out severance functions in northern Ontario would be to use some form of regional land division committee.
- People seeking permits to develop in unorganized territories face immense delays. A local Board is needed.
- Residents of unincorporated settlements desire more say in the way these settlements develop. Professional advice should be made available to them.

Other comments dealt with planning and servicing problems in such settlements:

- The Province has been reluctant to use its authority to prevent uncontrolled development in unorganized territories.
- Many Provincial policies for urban services are inappropriate. New ways of servicing have been developed which could be applied in the small remote settlements of northwestern Ontario.
- The land freeze existing in most settlements and the conflict between recreational and residential needs are matters of concern. In many communities there is simply no land to build on.
- One of the main problems for school boards is scattered development in unorganized territories.

FEDERAL ACTIVITIES

A few comments were submitted on the role of the federal government in municipal planning:

- There should be a clearly stated federal policy on the use of land in Canada.
- The federal public works have been a source of friction between the three levels of government. The Province should include affected municipalities in discussions related to combined Federal-Provincial projects and provide technical and political assistance to municipalities when coping with federal works.
- The intrusion of CMHC is a source of inconsistency in the planning process. CMHC has established standards for lot size and building location which conflicts with municipal requirements.
- Regional Ottawa-Carleton should have some special status to help resolve federal-municipal conflicts.
- Approval powers should not be delegated to regional Ottawa-Carleton because the regional municipality has insufficient clout to deal with the federal government in resolving conflicts.

SOCIAL, ENVIRONMENTAL AND ECONOMIC FACTORS IN THE PLANNING SYSTEM

The majority of the submissions which commented on social, environmental and economic issues expressed concern with the failure of the planning system to adequately take account of these factors. (See also The Planning Act, Official Plans, Subdivisions and Zoning By-laws.)

Social Concerns

Comments on social factors were related primarily to population distribution, the equitability of the planning process and the provision of housing for disadvantaged groups.

Population growth was the social trend mentioned most frequently for its implications for planning. One submission saw growth and the way it is distributed as an issue central to all other basic policy areas, such as industrial development, recreational and transportation needs, and assumptions about the work ethic and anticipated changes in social patterns. Another brief expressed concern about the effects of major population allocations in regional plans on small municipalities in the Simcoe-Georgian Bay area, and the municipalities' ability to deal with it. It was suggested that there is a need for a directed rather than a reactive approach to population growth and a clear statement of government policy on this matter. The shifts in population to cities as well as shifts in the age distribution, it was felt, can be better managed by the formation of smaller units.

Other social concerns were as follows:

- It is doubtful whether planning carried out in a highly political environment will be sound in its basic concepts and beneficial to the majority of those residing or owning property in the area concerned.

- The Act has no provision whereby citizen objectors can receive legal assistance at reasonable cost.
- The Act provides little protection for most citizens and is used to the benefit of developers and the self-determined needs of self-contained enterprises like Highways and Hydro. A more equitable planning process is needed.
- Little explicit concern in The Planning Act for the inhabitants of the future. The legislation is unduly weighted toward the present inhabitants.
- The only people who actually represent future residents are builders and developers. This is not necessarily equitable because their goals are not always compatible with the goals of future inhabitants.
- The Planning Act seems to be used primarily as a restrictive protection of private property interests.
- The present requirements and conditions of The Planning Act favour the wealthy, large companies who can afford delays and hire technical advisors.
- One of the areas of law which many municipalities have abused is that of occupancy regulations. Many municipalities in Ontario have exceeded their legislative authority by imposing restrictions with respect to the social composition of households. In many instances, unauthorized exclusionary occupancy by-laws have had a deleterious effect on the community by denying residential rights to certain groups of people, or imposing severe and unjust restrictions on certain members of the community for reasons which have nothing to do with the health, safety or welfare of the community.
- The Provincial government wants low-cost housing, provided agricultural land is not used, sewage effluent is not increased, schools aren't built, and Toronto doesn't expand.
- Municipal needs for low cost housing are often frustrated by regional government.
- Low rental families often have to go to the expense of buying extra transportation because they are situated too far from jobs, shops and public transportation.
- The Ontario Association for the Mentally Retarded has encountered difficulty in locating small group homes in residential neighbourhoods.

Despite these criticisms, there was a lack of consensus in the briefs as to whether the definition of municipal planning should be expanded to encompass social objectives, or whether planning should incorporate only those social goals which can be expressed in quantifiable, physical terms. Several submissions implied that there is insufficient information available to allow the development of social policy, or to draw conclusions about the likely social consequences of planning decisions (as, for example, in the case of high density housing). Another brief suggested that many of the social and economic problems facing local communities are beyond the jurisdiction and scope of municipalities.

General suggestions related to the incorporation of social concerns into municipal planning included the following:

- A new Planning Act should be enacted which would take into account all of the interest groups who make up the planning system. These groups included the private citizens, the development industry and all levels of government.
- The government should implement a planning and management system which provides a data base for rational planning of social services, and standardizes units of service and accounting methods.
- The government should strengthen processes which foster inter-governmental co-operation and co-ordination in the funding and provision of social services.
- If true co-operation in planning is to become viable, some government assistance is required to nourish voluntary social planning groups. This should include seed money for new social planning groups and demonstration funding for existing groups which are developing new approaches to social planning. Local matching funds for communities with available resources are also recommended.
- Social planning can only begin to become a reality as the government continues to integrate social planning principles into the delivery of its services.
- The terms of reference of regulation bodies should explicitly include requirements for review of the social, economic, environmental and ecological implications of the development of land and buildings.

Other, more specific, recommendations were:

- The Province should prevent municipalities from zoning out certain people through the establishment of minimum house and lot sizes that are beyond what could be termed reasonable. Because The Planning Act is totally permissive, municipalities are not held accountable for these kinds of actions. The standards municipalities set are often arbitrarily based on the "taste" of the local planning board or council.
- The Province should appoint a housing ombudsman with power to intervene in all processes in the interest of the non-represented prospective population.
- Low income housing should not be created "en masse" in established communities but should be part of municipal infilling.
- Municipalities should be required to permit group homes in the numbers necessary and take a positive approach in their provision so that they are spread throughout a community and not concentrated in one neighbourhood.
- The question of need for certain amenities (e.g., parks) should be reviewed, with a view to determining whether a more flexible standard would be equitable and feasible. The review should address the differences between urban and rural areas as well as differences in densities, income levels and other factors, including the provision of private recreation facilities within multi-family projects.
- The Act should provide the means to encourage the preservation of buildings or structures deemed to be of social significance to the community.

Environmental Concerns

Submissions concerned with environmental issues implied that planning legislation and practices have tended to ignore impact on the environment:

- The Act forces municipalities to plan in a manner equated with development. Planning does not include environmental concerns and conservation authority objectives such as natural resource conservation, hazard land protection and open space.
- Effective sequential controls on quarries and gravel pits and maintenance of forest cover and agriculture are difficult to achieve because they are not clearly considered land uses within the meaning of the Act.
- Although municipalities are supposed to have an ability to control pits and quarries, present legislation does not allow them effectively to do so.
- There is very little legislation which empowers the municipality to control factors such as adverse micro-climatic conditions created by poorly designed and badly sited buildings.
- Provincial statements on planning fail to contain statements on the basic environmental factors which should be essential building blocks for regional planning.
- Development procedures make no provisions for pre-preparation of lands, although such advance preparation is often the key to preserving natural elements.
- Present zoning does not permit ready identification of significant natural elements, and is usually too broad-brush to allow the protection of smaller units such as fine old trees.

Recommendations dealing with environmental concerns included the following:

- The Planning Act should be more specific on planning requirements for natural resource conservation and related environmental concerns.
- Planning legislation should contain criteria for designating sensitive ecosystems, (e.g., physically and biologically sensitive areas, fragile areas such as swamps, ground water discharge areas, head-water lakes, sand dunes, eroding shore-cliffs, unique flora and fauna habitats), and other environmental features (significant wetlands and woodlands, important open space areas and hazard areas). Legislation should also ensure their protection.

- A sequential planning program for aggregate resources would plan for the area after the deposits are exhausted, and would phase the exploitation of the deposits.
- Stronger incentives for long-term management are required in those parts of southern Ontario where a significant part of the local economy is based upon wood-processing. Day-use recreation may be appropriate for near-urban woodlots. Incentives should encourage the development of maple sugar potential where such a resource is not now utilized.
- The Province should provide environmental experts to assist local planners.
- The process of plan approval should weight environmental impacts in the context of the Provincial plan. Informal procedures seem more appropriate than legalistic procedures for identifying areas of concern.
- In locating new development, it is necessary to consider impacts on adjacent land uses as well as on areas to be developed.
- The Act should require progressive rehabilitation of extracted areas.

Economic Concerns

Comments on economic factors dealt mainly with costs related to development. Increased costs of land, housing and municipal services resulting from planning practices were attributed specifically to:

- Delays in the development approval process;
- Government attempts to control population growth by restricting development;
- Lack of formal planning controls to ensure development concentration in areas where services are available;
- "Gold-plated" standards for municipal services;
- Ad hoc application of fees and levies.

Suggested effects of planning policies on the factors of supply and production included the following:

- Reduced competition in the real estate-development market resulting from the inability of small developers to maintain the staff necessary to deal with the complicated administrative requirements of the planning process.
- Private land speculation resulting from disclosure of planning options under consideration.
- Decreased competition among suppliers of aggregate resources as a result of municipal constraints on the industry.
- Financial losses suffered by owners of land which declines in value as a result of planning constraints (e.g., land freezes, restrictions on development; designation for special purposes such as Parkway Belt).

Recommendations addressed to these concerns include:

- Development rights might be held in trust by a public authority and sold to developers as needed, with proceeds being distributed among the original property owners.
- The price of land could be frozen for a specified time period while planning options are being considered.
- Property owners should be compensated when rezoning or other planning decisions reduce property value.

PUBLIC PARTICIPATION

Need for Public Participation

The majority of the comments on public participation endorsed it in some form. Some supporters had reservations about its value; others said that its use should be strictly defined and limited. (The public should have a right to be heard, said one, but not to decide. Public involvement, said another, can constitute a form of harassment, and prevent elected councils from doing the job they are supposed to do). Those who opposed all forms of public participation tended to argue that it is the responsibility of elected officials to represent the public's views. (See also Official Plans, Subdivisions and Zoning By-laws).

Briefs favouring public participation gave the following reasons for doing so:

- Citizens should have a right to make their views known to public officials.
- Planners can benefit from citizens' innate wisdom and knowledge about their communities.
- The humane quality and "human scale" of public opinion is a valuable counterbalance to technocracy.
- Public participation can increase general awareness of social changes which affect basic planning requirements. These include changes in people's traditional roles in industry brought about by rapid changes in technology; the apparent deterioration of familiar relationships between individuals and institutions; and the need for social responsibility in the use of property.

The following arguments were advanced by those who had doubts about the value of public participation or who opposed it altogether:

- Public participation is often solely negative, taking the form of objections rather than positive suggestions for preferred alternatives. Objections can be a form of blackmail to which developers give in to avoid further delays.
- Citizens have too limited an understanding of planning issues and of the instruments of planning (official plans, zoning by-laws, etc.) to make a significant contribution.
- Public participation does not ensure that all interests are represented equally. For example, the views of present residents tend to override those of potential or future residents (in issues of residential development or redevelopment). In addition, politicians concerned with re-election will tend to respond to the group or individual who exerts greatest pressure or who makes the most noise.
- Developers are more able than citizens to present their case to planning bodies because they are better able to assemble legal and professional planning service.
- Public participation is costly and causes needless delays in planning. These costs are passed on to new home-owners.
- There is a question as to who is the ultimate arbiter of what is an acceptable official plan. It is suggested that it should be the municipality as expressed by the vote of elected representatives.

Formal Requirements for Public Participation

A number of general principles were suggested to accommodate public participation or to make it more effective:

- Requirements for public participation should not be unduly burdensome, especially for communities (e.g., resort areas) where non-permanent residents form a significant proportion of the total population.

- There should be a prescribed time limit for public participation.
- Legislation should require that public hearings are held on all zoning by-laws.
- There is a need to clarify certain problems faced by municipalities which attempt to satisfy public participation requirements. For example, at what point should the municipality decide against the public if it seems necessary to do so for the "general public interest"?
- The planning process should be more open and informal.
- Long-range planning goals should be identified and publicized more clearly.
- The existing legislation on public participation in official plans is too vague and requires clarification and specific direction on the responsibility to hold public meetings and provide public information.

Several submissions contain recommendations for specific changes in legislation to facilitate public participation programs. These include:

- A special section in The Planning Act to deal with the public participation component of the planning process;
- Greater consistency in legislative requirements for public involvement in the various phases of planning; e.g., subdivisions, Committee of Adjustment decisions, zoning, rezoning, site plans, official plans and amendments;
- More precise direction as to when a municipality should notify the public about a planning proposal, and how and when the public should participate with procedures specified;
- Explicit responsibility for planning authorities to show in the event of appeal that they have obtained effective citizen input.

The call for specific legislative requirements was not unanimous.

Several groups and individuals argued that public participation cannot

or should not be legislated (except in a general sense), because such legislation:

- Would make participation a static process which is not necessary in some cases and misses important issues in others;
- Could not allow for variations appropriate to different types of communities;
- Would infringe on the rights of municipalities to determine their own planning procedures.

When to Involve Public in Plan Preparation

There is a general consensus that public participation usually occurs too late in the planning process. The practice of notifying the public only after plans have been drawn up is said to put citizens in an adversary relationship with municipal staff or private interests. Thus, a majority of submissions argue that public participation should occur very early in the planning process, either at the stage of policy formulation, or in the preparation of Official and District Plans and, perhaps, at the time of their amendment or revision. Beyond that, however, opinions differ. Some would restrict public participation to this early stage. They argue that subsequent participation in the preparation of zoning by-laws, subdivision proposals or development control constitutes a time-consuming duplication of effort. One brief argued that the public is generally unqualified (presumably in a technical sense) to comment on plans of subdivision and the design of public works.

Some of those who favour restricting public participation to the general issues involved in plan preparation would also allow the public a continued right to appeal specific proposals they do not like. Others concede that a problem with their position is that members of the public are most concerned with specific problems and specific proposals, i.e., with those matters which are the subject of zoning

by-laws and development control. When viewed from this perspective, the issue of whether the public should participate in the planning of specific developments tends to be seen as a matter of balancing the interests of present inhabitants against those of future residents and the developer. A few view the issue more positively, however. One view holds that participation in development control often results in honest differences of opinion, each having equal merit. It is up to local councils to decide on the basis of all the arguments.

Approaches to Public Participation

Little information was submitted about actual experiences with public participation, although those who reported such experiences appeared to be satisfied with the results. General comments on procedural matters included the following:

- One developer who had held his own public meetings to deal with objections to a proposal reported that there were no objections to the proposal after it was formally submitted.
- Common methods of securing public participation tend to favour elite interest groups and fail to reach the "silent majority".
- Planners need more specialized advice in the field of public participation. The Province should establish guidelines on effective methods of involving the public, based on recommendations of individuals trained in the field.
- Plans prepared by consultants usually have less citizen input than plans prepared by local staff.
- Governments should provide assistance to community groups which wish to take part (financial or other) in decision-making.
- Governments should not get involved in funding citizens to take part in decision-making. However, legislation should make it possible for local councils to appoint citizens to committees or to set up citizen advisory committees if they wish to do so.

1. Education and Information Dissemination

Of the various techniques open to planners to involve the public more extensively in planning processes and decisions, the need to inform the public about planning processes and decisions received most attention. Information needs fell into two categories: general information about planning and planning issues; and information about specific planning proposals.

a) Increase public understanding of planning in general:

- There should be more public education on the nature of and differences between plans, zoning and development control.
- There is a need to educate both the public and decision-makers on the implications of alternative courses of action for long term resource management.
- There is a need to increase public understanding of the responsibilities of different levels of government.

b) Increase public understanding and awareness of specific planning proposals:

- Notification to the public about planning issues should be phrased in plain language. Many members of the public find legal language both incomprehensible and intimidating.
- The public should have access to the same information as decision-makers. The municipality should make all information relevant to a planning proposal available to the public in one of a number of alternative ways (e.g., by mail, through the media, in the municipal clerk's office, or in a central planning information office). One person suggested that a nominal fee should be charged to those persons using this service.

- Because local changes can have widespread effects, all proposed changes in land use should be advertised widely (rather than announced only to a small area of "deemed effect").
- There should be better advance advertising of public meetings.

2. Public Meetings

The public meeting appears to be the most commonly used method to involve the public in planning. A number of problems have been identified with this approach, however:

- Planners tend to dominate such meetings.
- Those who turn out for public meetings do not necessarily represent majority viewpoints. Public responses tend to be negative rather than constructive.
- The public meeting format is not conducive to real discussion between planners and citizens.
- The public tends to be apathetic about larger, general issues (as in Official Plan preparation).

3. Involvement at Neighborhood Level

Suggested techniques for involving local residents in the preparation of neighbourhood plans or of bringing planners into closer contact with citizens at the neighbourhood level include the following:

- Neighbourhood meetings to discuss local issues;
- "Storefront" offices to educate residents and to obtain local opinions on local matters;
- Neighbourhood planning committees;
- Use of community workers similar to the "animateurs" used in Quebec;

- Volunteer visitors, as used to explain the Neighbourhood Improvement Program;
- Workshops for local residents;
- Courses in high school;
- Neighbourhood drop-in centres.

Opposition to granting formal powers and privileges to neighbourhood organizations came from those who feared that such a move would result in further delays in the planning process.

4. Liaison with Planning Staff

This technique was described as time-consuming but effective. A planning information officer meets privately with citizens, to discuss questions and explain plans and zoning.

5. Involve the Voluntary Sector

Submissions from voluntary organizations such as social planning councils and church planning associations argued that several functions would be served by involving such organizations closely in planning deliberations:

- They would be better prepared to respond to significant changes in settlement patterns and lifestyles.
- They can help interpret government plans and policies to local communities.
- They can provide planners with data about local needs and priorities.

6. Preserve or Strengthen the Right to Appeal

The right to appeal a planning decision is viewed by some as an important avenue of public involvement. A few people implied that the complexity of present appeal procedures prevents or discourages some people from exercising this right. They advocate simplifying those procedures. Others argued that the right to appeal (and the public's right to participate in general) has to be balanced against the need to reduce costly delays in the process. They advocated time limits for appeal and other participation processes.

7. Other Approaches

- Use questionnaires more frequently than meetings.
- Planning Board members should keep the people in their districts informed and should be alert to public concerns.

12. Note: For further comments on public involvement, see Official Plans, Subdivisions, Zoning By-laws and Severances.



APPENDIX 1

REQUEST FOR BRIEFS

Planning Act
Review
Committee

4th Floor
56 Wellesley St. West
Toronto, Ontario

October 20, 1975

To: All Municipalities, Planning Boards
Land Division Committees
Committees of Adjustment
School Boards

On June 18, 1975 the Cabinet announced that it would carry out a formal review of The Planning Act and related legislation. The Planning Act Review Committee has been appointed by the Minister of Housing for this purpose.

The Review will be completed in September, 1976 with the publication of a Green Paper outlining recommendations for changes in the present legislation and procedures affecting municipal planning.

As part of the Review the Committee will be arranging meetings early in 1976 in various parts of the Province with municipal bodies and other public and private groups concerned with municipal planning. To assist us in identifying the problems and issues which are of particular concern to municipal bodies we are inviting all municipalities, planning boards, committees of adjustment, land division committees and school boards to submit their views and concerns in writing in advance of these meetings.

The Committee is particularly interested in assessing the adequacy or shortcomings of the present legislation affecting local planning activities, and the suitability of present practices, at both municipal and Provincial levels, in meeting local objectives. There is of course no restriction on the subject matter which may be included in written submissions from municipal bodies.

Submissions should be received by the Committee no later than January 10, 1976. Any questions concerning this matter should be directed to Gerry Fitzpatrick, Manager of the Review, at the address above or 416-961-7340.

Yours truly,

Eli Comay
Chairman
Planning Act Review Committee



Ontario

APPENDIX 2

INFORMATION SHEET SENT TO
MUNICIPALITIES, MUNICIPAL BODIES
AND INTEREST GROUPS

Eli Comay, *Chairman*
Earl Berger
Eric Hardy

Planning Act
Review
Committee

416-961-7340

4th Floor
56 Wellesley St. West
Toronto, Ontario
M5S 2S3

Dennis Hefferon, *Counsel*
Gerald Fitzpatrick, *Manager*

THE PLANNING ACT REVIEW COMMITTEE

The Planning Act Review Committee has been established by the Minister of Housing to examine three questions:

- . What is municipal planning for?
- . How does municipal planning operate in Ontario and what are the strengths and weaknesses of the present system?
- . How should the planning system be improved?

The review will include The Planning Act and all related planning legislation and activities.

Although Ontario has experienced profound and widespread changes since The Planning Act was adopted in 1946, the municipal planning system has never undergone a comprehensive review. The Planning Act Review will fall under three headings.

1. The nature of municipal planning: What is planning about? What should be included under municipal planning? What should be the goals and objectives of municipal planning?
2. The process of municipal planning: Who is involved in planning and how are they involved? What should be the roles of the Province, the municipalities, other public bodies, special interests and the general public?
3. The tools of municipal planning: What are the most effective planning instruments to meet provincial and municipal needs? Are the existing instruments - Official Plans, subdivision regulations, zoning by-laws and other development controls - adequate? Should they be revised or should new instruments be used?

The first phase of the Review consists of an examination of existing conditions. The Committee is meeting with representatives of municipalities and interest groups directly involved in planning. In addition, the Community Planning Association of Canada is holding a series of public meetings across the province and will report to the Committee on its findings.

Some of the specific issues the Committee intends to examine in Phase One are:

- . How is planning conducted in the various types of municipalities: regional, county & local; urban & rural; organized & unorganized?
- . What are local and provincial planning objectives and how are they defined and implemented?
- . Do the existing planning instruments restrict or encourage the achievement of these objectives?
- . What is the nature and effect of public involvement in the planning process?

The Committee is interested in discussing these and other issues of public concern.

In its second phase, the Committee will examine possible improvements to municipal planning, prepare preliminary findings and review these with the representatives of municipalities and interest groups.

The Committee will submit its report to the Minister of Housing in the fall of 1976. The report is expected to become a "Green Paper" for public review and discussion.

Those wishing additional information should contact the Planning Act Review Committee at the above address.



Ontario

APPENDIX 3

ISSUE PAPERS

Eli Comay, *Chairman*
Earl Berger
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Planning Act
Review
Committee

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Dennis Hefferon, *Counsel*
Gerald Fitzpatrick, *Manager*

PLANNING ACT REVIEW: PROBLEMS IN MUNICIPAL PLANNING

The attached "Issue Papers" represent some of the initial interests of the Planning Act Review Committee in its examination of municipal planning in Ontario. These are not intended to be conclusive statements about problems in the municipal planning system, but rather indicate some of the questions which warrant attention.

The papers have been developed for purposes of discussion with a variety of interest groups throughout the Province. It is hoped that while these papers will provide the main subject matter for our meetings, other concerns or problems will be raised by participants in the discussions.

Topics covered in these papers include the following:

- A. Municipal planning objectives
- B. Organization of the municipal planning system
- C. Planning instruments
- D. Practices and procedures of municipal planning
- E. Provincial activities affecting municipal planning
- F. The public role in municipal planning
- G. Rural planning issues
- H. Land use controls in Northern Ontario

A. MUNICIPAL PLANNING OBJECTIVES

One of the implicit objectives of municipal planning has been the management of growth. Traditionally, this has been attempted through the control of land use development. This approach to growth management has been criticized as being too narrowly focused on physical objectives, to the neglect of social, environmental and economic concerns. However, community objectives dealing with these broader concerns are frequently expressed in "motherhood" terms which are difficult to implement, and are often in conflict with each other.

Underlying many municipal planning objectives are a number of competing demands for land (land utilization vs. land conservation; urban land uses vs. rural land needs; private ownership rights vs. broader community interests). The planning legislation does not deal explicitly with the question of municipal planning objectives, and the conflicting demands make it difficult for the municipality to decide which objectives it should pursue.

1. Which social, environmental and economic concerns should be included in the municipal planning process; which concerns are outside the effective influence of municipal planning? How can the system be organized to ensure that those concerns pertinent to municipal planning are taken into account?
2. What are the unintended or unstated social, economic or environmental consequences of municipal planning? How should these be taken into account in the operation of the municipal planning system?
3. How should municipal planning take account of the interests of future inhabitants as well as those of present residents? If both interests are to be accommodated, should either be given priority?
4. How should municipal planning reconcile the interests of local residents preserving neighbourhood stability with those of the broader community in matters such as the provision of low-income housing, regional recreational facilities and area-wide transportation? What should the provincial responsibility be in these matters?
5. Municipal planning can have both beneficial effects on private property interests (e.g., through the location of public transportation or municipal services) and adverse effects (downzoning, historic preservation, environmental conservation). What limits should there be on the municipal ability to interfere with private property rights? Should the positive and negative effects of planning be acknowledged through the operation of the tax system, and specifically, should there be a system of betterment taxation and compensation?

B. ORGANIZATION OF MUNICIPAL PLANNING

A number of different agencies are involved in municipal planning, including planning boards and municipal councils, committees of adjustment and land division committees, and various special purpose bodies such as school boards, conservation and housing authorities. Their specific roles in planning responsibilities are not, by and large, established in planning legislation.

The Planning Act does not clarify the relationships between the various agencies involved in planning, nor does it explicitly recognize planning bodies created by special legislation such as the regional municipalities.

1. Do planning boards serve a useful function in the preparation of plans or the administration of development control, or do they preempt the decisions-making role from municipal councils? Has the ability of municipal councils to make suitable planning decisions improved or deteriorated in places where the planning boards have been abolished? Should the continuation of planning boards be standardized throughout the Province or should their dissolution be a matter of local or provincial discretion?
2. Where planning boards exist, to whom should the planning staff be responsible (i.e., planning board or council)? What should be the relationship between the board and other municipal staff involved in planning (e.g., Clerk, Treasurer, Engineer, Parks Director, etc.)?
3. Do joint planning areas serve a useful purpose, or should inter-municipal co-ordination in planning be secured by other means, such as two-tier planning systems (counties or regions)?
4. In two-tier jurisdictions, how should planning functions be split between the region or county and the local municipality? Should the role of the lower tier (local) municipality be standardized across the Province? Should the provincial authority for planning approvals be delegated only in two-tier areas, or should there also be delegation to large cities outside regional municipalities? If there is to be delegation to individual cities, under what conditions should it take place?
5. In two-tier situations, do the upper tier jurisdictions possess adequate authority to carry out their decisions? What should be the rights of appeal for lower tier municipalities, and how should these appeals be adjudicated?
6. How should the structure of the planning system be organized so that the special purpose bodies engaged in planning have adequate access to municipal planning decisions, and so that their activities are suitably co-ordinated with municipal planning?

C. PLANNING INSTRUMENTS: OFFICIAL PLANS, SUBDIVISION AND
CONSENTS, ZONING, DEVELOPMENT CONTROL

The Planning Act sets out the instruments to be used for municipal planning and requires that they be used in conformity with the official plan. However, the Act does not clearly spell out the purpose of the different instruments, nor how they should operate together as a planning system.

1. Should the different functions of each planning instrument (official plans, subdivision plans, zoning, site plan agreements, etc.) be more clearly defined?
2. Are these devices suitable in all municipal planning situations -- e.g., rural and urban; regional and local; growing, stable and declining?
3. Do the instruments work together as an efficient planning system? For instances, should they operate as a single and concurrent process rather than as a series of consecutive actions over an extended period of time, and if so, how can public interests be protected in each part of the process?
4. Should other kinds of planning instruments be used -- e.g., development permits or land use contracts?

5. Official Plans

- (a) Should the function and contents of official plans be defined by legislation or regulation? Should the legislation define the content and relationship of different levels of plans -- regional or county, local, district?
- (b) Should there be other kinds of plans, supplementary or as alternatives to the official plan?
- (c) Should municipalities be allowed to include goals in official plans which have not been related to their financial abilities?

6. Subdivisions and Severances (Consents)

- (a) Should the requirements for subdivision approval be formalized in legislation or regulations? Specifically, should the requirements be a matter of ministerial interpretation, or should they be left to local discretion?
- (b) What procedures should be employed to ensure that consents are dealt with in accordance with stated municipal and provincial planning policies?
- (c) Are matters involving land ownership (i.e., title) properly part of a planning system which is concerned mainly with land use?

7. Zoning and Development Control

- (a) Can zoning be employed effectively both to secure neighbourhood stability and to plan for future development? Should the use of provisional zoning and holding by-laws be more clearly defined? Should there be limitations on the time period and geographic extent of such devices?
- (b) Can mixed land uses and variable densities be suitably accommodated through the present zoning devices?
- (c) Are the present provisions for site plan control (Section 35a) suitable for achieving municipal and private planning objectives? Is a more comprehensive system of development control desirable?

D. MUNICIPAL PLANNING PRACTICES AND PROCEDURES

The Planning Act gives little guidance as to the practices a municipality should engage in to carry out its planning. These practices, however, can have serious consequences on many aspects of municipal life -- e.g., the provision of housing, transportation, parks and local institutions; the financial burden on residents and businesses; and the accountability of the planning system.

1. Is the development control process sufficiently understood by the public and other interests involved? Is it susceptible to manipulation by those parties (public or private) which have the ability and resources to master its complexities?
2. Can procedures be devised to reduce the time involved in handling subdivisions and zoning applications, while at the same time ensuring proper attention to municipal interests, area-wide interests, and the interests of present and future residents.
3. In order that planning and development programs can proceed with some stability, what interim arrangements should be made while plans are being prepared or revised:
4. Should there be regular monitoring of day-to-day programs to ensure that official plan objectives are being met?

E. PROVINCIAL ACTIVITIES AFFECTING MUNICIPAL PLANNING

The Provincial Government is involved in many activities which have direct bearing on municipal planning. In particular, the Province and its administrative tribunal, the Ontario Municipal Board, have approval powers over most local planning decisions; the Province has substantial control over municipal finance, and it formulates policy and programs in a number of fields including housing, education, regional planning and development, transportation, social services and community development, electric power, agriculture, natural resources, industrial development and environmental control. In each of these fields, the government establishes policy requirements for local government agencies and provides major facilities and funding programs. However, because these various programs frequently impose conflicting requirements on the municipalities, they can seriously constrain the effectiveness of municipal planning.

1. How should municipal planning operate in a situation where there are diverse and conflicting requirements and no overriding Provincial policy on certain issues (e.g., housing needs vs. agricultural production; transportation needs vs. energy conservation).
2. Where there are conflicting Provincial and municipal objectives (e.g., Provincial housing needs vs. municipal financial stability) how should these conflicts be resolved, and how should conflicting Provincial and municipal funding priorities be determined?
3. What should be the role for local and regional municipalities in the preparation of different levels of Provincial plans (e.g., economic development, COLUC, Niagara Escarpment), and how can municipal interests be secured in the operation of these plans? How should such plans relate to municipal official plans and works programs?
4. What should be the role of the O.M.B. in resolving municipal planning issues where different Provincial interests are involved (e.g., housing, environment, transportation, agriculture)?
6. What roles should the O.M.B., the Cabinet and the courts play as appeal bodies on municipal planning decisions?

F. PUBLIC ROLE IN MUNICIPAL PLANNING

The public role in municipal planning is confused and inconsistent. On the one hand, many citizens feel that they do not have adequate access to information about planning issues or a sufficient role in the decision-making process. On the other hand, citizen participation is accused of causing excessive and costly delays in planning and of encouraging the municipality to be unduly influenced by the most vocal groups in the community. The present legislation does not provide specific guidelines as to what citizen participation should consist of, nor how it should be carried out.

1. At what stage(s) of the planning process should the public be consulted?
2. Is public participation appropriate at all levels of planning (e.g., neighbourhood, municipal-wide, or regional planning issues)? Should the procedures for public involvement be organized differently for these different levels of planning? If the public is involved in the formulation of the official plan, should it also be consulted on every subsequent action that is carried out in conformity with the official plan (e.g., development applications, planning and design of public works)?
3. In what situation, if any, should public involvement in planning consist of direct participation in formulating proposals? Should public involvement consist mainly of responding to alternatives prepared by municipal staff or private interests?
4. Should detailed requirements for public participation be spelled out in either legislation or regulations? Should municipalities be required to demonstrate how they have taken the public views into account in reaching their decisions?

G. RURAL PLANNING ISSUES

Rural areas are subject to a number of conflicting demands. One major conflict concerns farm uses (agricultural production) and non-farm activities, such as wild life conservation, water resource production, forestry, recreation, extractive industries, hamlet and estate development. A second kind of conflict is between rural needs and pressures for urban uses such as airports, highways, suburbanization, and commercial and industrial development. In both instances, the rural municipality is faced with the pressures of accommodating its own needs, those of nearby urban centres as well as province-wide interests. The Planning Act does not distinguish between planning in urban and rural municipalities and consequently gives no guidance in resolving these conflicts.

1. Is municipal planning the most suitable means for reconciling the conflicts on rural land? What should be the roles of the Province and the individual rural municipalities in developing and protecting major resource activities such as agriculture, aggregate extraction, forestry and water? How can municipal planning ensure that an adequate supply of land is maintained for agricultural production for the near and distant future? What special measures, if any, are needed to achieve this objective?
2. Can the particular conflicts between farming and non-agricultural uses in the urban fringe areas be resolved through municipal planning? How should agricultural and other rural interests be represented in planning in urban fringe areas?
3. How can the needs of permanent residents and part-time rural users (cottagers, week-end farmers, resorts, tourists) be reconciled? What are the financial implications for the municipality of these different residents, and is municipal planning the best means of accommodating the different needs?
4. How should residential development through consents be limited, if at all, without undue financial penalty to the resident farmer?

H. LAND USE CONTROLS IN NORTHERN ONTARIO

Much occupied land in northern Ontario lies outside incorporated municipalities. Several local improvement districts are governed by Provincially-appointed trustees, and nearly 200 unincorporated communities exist with only partial local government organization. Unincorporated fringe areas can be added by the Minister to independent or joint planning areas and the Minister can also define planning areas and appoint planning boards to serve unincorporated areas (although this has not been done). Minister's Orders under The Planning Act and restricted area orders under the Public Lands Act have imposed controls in unincorporated territories, though with limited effect.

1. Is the planning need in the unincorporated settlements of northern Ontario being met adequately? Do Minister's Orders and restricted area orders constitute a suitable approach to planning for unincorporated settlements, or do they reflect organizational deficiency?
2. Is there need for second-tier planning bodies in northern Ontario to share responsibilities with the local municipalities? Does the provision for joint planning boards meet this need?
3. If planning should extend beyond the mere delineation of land use and include consideration of such questions as employment, housing, and local community facilities and programs, can this need in northern Ontario be met through the planning process?
4. How should planning for unincorporated settlements be organized? Through planning boards? Through multi-purpose bodies set up by the Province to perform planning and other local government functions? Through minimal municipal structures under Bill 102? Or should planning for these thinly-populated settlements be carried out by Provincial civil servants, with or without local consultation?
5. Are the instruments for planning in southern Ontario -- official plans, subdivision plans, zoning by-laws -- appropriate to the conditions in northern Ontario?

SPECIAL INTEREST GROUP MEETINGS

Abbreviations for Organizations:

Rural Interests

Christian Farmers Federation of Ontario (CFF)
 Ontario Federation of Agriculture (OFA)
 National Farmers Union (NFU)

Development Industry

Urban Development Institute (UDI)
 Canadian Institute of Public Real Estate Companies (CIPREC)
 Housing & Urban Development Association of Canada (HUDAC)
 Ontario Real Estate Association (OREA)

Professions

Association of Ontario Land Surveyors (AOLS)
 Association of Ontario Land Economists (AOLE)
 Association of Professional Engineers of Ontario (APEO)
 Ontario Association of Architects (OAA)
 Canadian Bar Association (Ontario section) (CBA)
 Law Society of Upper Canada (LSUC)
 Canadian Institute of Planners (CIP)

Public Interests

Architectural Conservancy Ontario (ACO)
 Canadian Environmental Law Association (CELA)
 Community Planning Association of Canada (CPAC)
 Conservation Council of Ontario (CCO)

Introductory Meetings

<u>Date</u>	<u>Location</u>	<u>Type of Meeting</u>	<u>Attendance</u>
<u>1975</u>			
Nov. 17	Toronto	Rural Interests (OFA, OFU)	4
Nov. 24	Toronto	Development Industry/Real Estate (UDI, OREA, HUDAC, CIPREC)	12
Nov. 26	Toronto	Related Professions (AOLS, OAA, APEO, AOLE)	7
Nov. 27	Toronto	Planners (CIP)	7

Meetings (Cont'd.)

<u>Date</u>	<u>Location</u>	<u>Type of Meeting</u>	<u>Attendance</u>
<u>1975</u>			
Dec. 1	Toronto	Public Interests (ACO, CELA CPAC, CCO)	7
Dec. 3	Toronto	Lawyers (CBA, LSUC)	5
<u>Province-wide Meetings</u>			
<u>1976</u>			
Feb.23	Sudbury	Development Industry/Real Estate (HUDAC, OREA)	4
Feb.23	Sudbury	Professions (CBA, APEO, OAA, AOLS)	10
Feb.23	Sudbury	Unorganized Communities Association of Northeastern Ontario	1
Feb.24	Wingham	Rural Interests (OFA, CFF, NFU)	16
Feb.24	Thunder Bay	Unorganized Communities of Northwest Ontario	4
Feb.25	Thunder Bay	Development Industry/Real Estate (HUDAC, OREA)	6
Feb.25	Thunder Bay	Professions (OAA, APEO, AOLS, CBA)	9
Feb.25	Ridgetown	Rural Interests (OFA, CFF, NFU)	18
Feb.25	London	Development Industry/Real Estate (HUDAC, OREA)	10
Feb.25	London	Professions (AOLS, OAA, APEO, CBA)	12
Feb.26	Windsor	Development Industry (HUDAC)	7
Feb.26	Windsor	Professions (AOLS, OAA, APEO)	9
Mar. 8	Ottawa	Development Industry/Real Estate (HUDAC, OREA)	12

Meetings (Cont.'d.)

<u>Date</u>	<u>Location</u>	<u>Type of Meeting</u>	<u>Attendance</u>
<u>1976</u>			
Mar. 8	Ottawa	Professions (AOLE, AOLS, OAA, APEO, CBA)	17
Mar. 8	Kemptville	Rural Interests (OFA, CFF, NFU)	14
Mar. 9	Kingston	Development Industry/Real Estate (HUDAC, OREA)	7
Mar. 9	Kingston	Professions (AOLS, APEO, CBA)	9
Mar. 9	Napanee	Rural Interests (OFA, CFF, NFU)	19
Mar. 9	Shelburne	Rural Interests (OFA, CFF, NFU)	14
Mar.10	Hamilton	Development Industry/Real Estate (HUDAC, UDI, OREA, Others)	15
Mar.10	Hamilton	Professions (AOLS, AOLE, OAA, APEO, CBA)	18
Mar.10	Caledonia	Rural Interests (OFA, CFF)	14
Mar.11	Toronto	Development Industry/Real Estate (HUDAC, UDI, CIPREC, OREA)	14
Mar.12	Toronto	Professions (AOLE, AOLS, OAA, APEO Toronto Board of Trade)	20
Mar.12	Toronto	Lawyers (CBA, County Bar Association; Others)	12
Apr. 9	Sudbury	CIP (Northern Ontario Chapter)	22
Apr. 12	Woodstock	CIP (Southwest Ontario Chapter)	25
Apr. 14	Ottawa	CIP (Ottawa Chapter)	10
<u>Special Meetings</u>			
Mar. 17	Toronto	ACRO Planning Review Committee	7
May 18	Toronto	Ontario Association for the Mentally Retarded	4
May 21	Toront	Aggregate Producers Association of Ontario	2

Meetings (Cont'd.)

<u>Date</u>	<u>Location</u>	<u>Type of Meeting</u>	<u>Attendance</u>
<u>1976</u>			
June 22	Toronto	Foundation for Aggregate Studies	3
Sept. 3	Toronto	Niagara Escarpment Commission	3
TOTAL NUMBER OF MEETINGS			<u>39</u>
TOTAL ATTENDANCE			<u>499</u>



Ontario

APPENDIX 5

NOTICE OF MUNICIPAL MEETINGS

Eli Comay, *Chairman*
Earl Berger
Eric Hardy

Dennis Hefferon, *Counsel*
Gerald Fitzpatrick, *Manager*

Planning Act
Review
Committee

416-961-7340

4th Floor
56 Wellesley St. West
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February 16, 1976.

To: All Municipalities, Planning Boards
Land Division Committees
Committees of Adjustment
School Boards

The Planning Act Review Committee will be holding two series of meetings with municipal representatives at various locations throughout the Province toward the end of March. One series of meetings will be with elected representatives from municipal councils, school boards, planning boards, committees of adjustment and land division committees. The second group of meetings will be with appointed officials involved in municipal planning: planning directors, clerks, solicitors, municipal engineers, directors of education, etc.

1. Meetings with Elected Representatives

The meetings with elected representatives and members of other policy-making bodies will deal primarily with submissions which these bodies may wish to make, or have made, to the Planning Act Review. We will also be prepared to hear from municipalities or other bodies which have not made written submissions.

2. Meetings with Appointed Officials

The meetings with appointed officials will be discussions of the operation of municipal planning in the municipalities concerned; for this purpose, we will be circulating an agenda of the main questions that the committee would like to discuss.

The Committee will be holding meetings at the following places:

March 22 - Peterborough	March 24 - Windsor
March 23 - Kingston	March 25 - London
March 24 - Ottawa	March 26 - Owen Sound
March 29 - Sudbury	March 29 - Timmins
March 30 - Sault Ste. Marie	March 31 - Bracebridge
March 31 - Thunder Bay	April 1 - Hamilton

April 2 & April 5 - Toronto

Two meetings will be held at each place listed above: morning meetings will be with appointed municipal officials; and afternoon meetings with elected representatives and other members of policy-making bodies.

We are attaching a map showing the general geographic area which we assume will be represented in each meeting place. However, individual municipalities may choose to attend meetings at any location which they may find convenient.

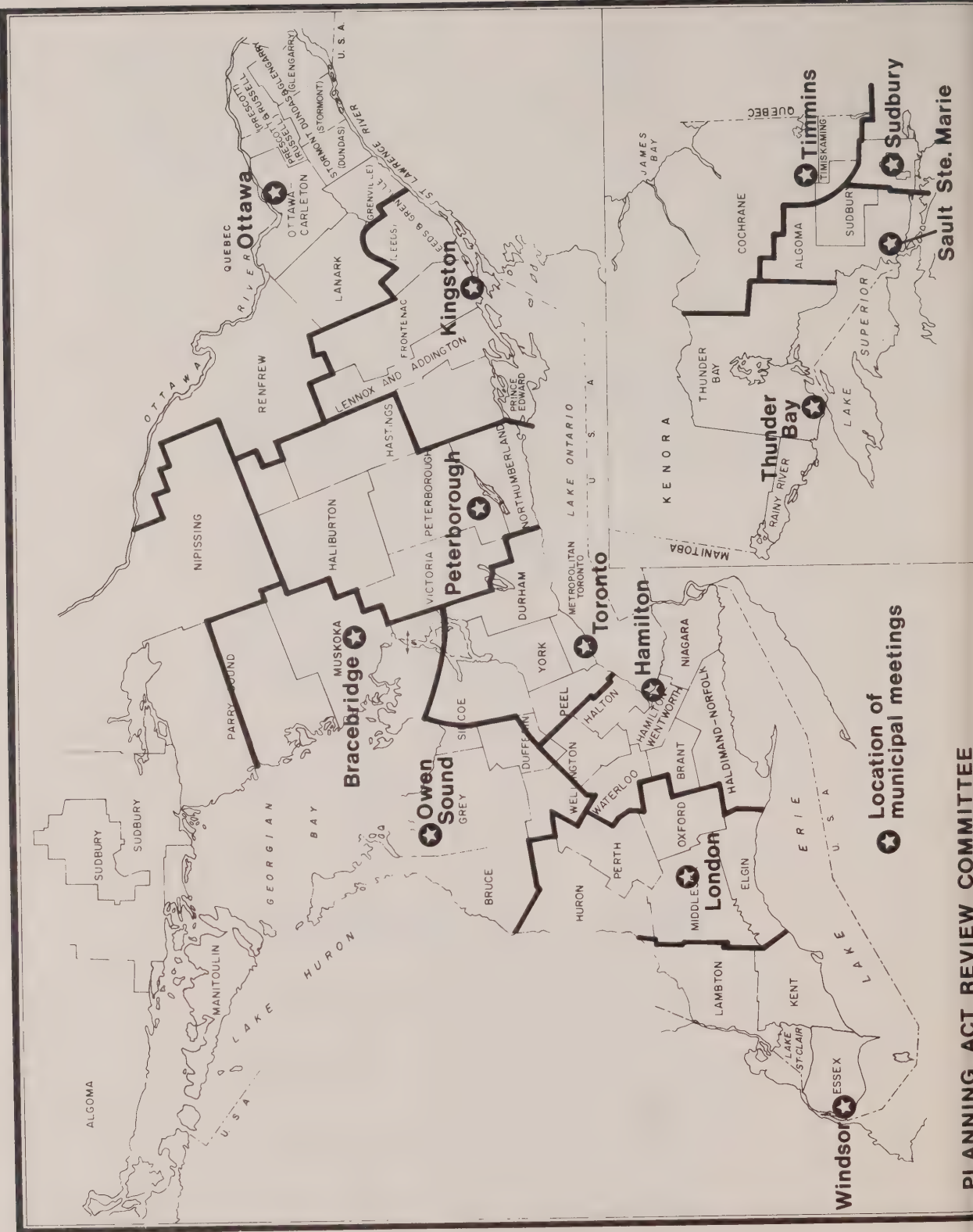
To assist us in arranging the meetings, it will be necessary for us to know by March 12 the names or number of people who will be participating in each meeting. We will then send out specific details concerning the arrangements for the meetings.

We would appreciate it if the bodies receiving this letter would arrange to circulate it to all of the officials concerned.

Please direct your replies to Mr. Paul Ross at this address. If you require any further information at this stage please call Mr. Ross at 416-965-3177.

Yours truly,

Eli Comay,
Chairman,
Planning Act Review Committee.



★ Location of municipal meetings

LIST OF MUNICIPALITIES AND MUNICIPAL BODIES PARTICIPATING IN REGIONAL MEETINGS

The following is a list of the Regions, Counties, Municipalities, School Boards and other municipal bodies whose representatives registered as such at meetings with the Planning Act Review Committee from February to April, 1976.

METROPOLITAN, REGIONAL & DISTRICT MUNICIPALITIES

Durham	Niagara
Haldimand-Norfolk	Peel
Halton	Sudbury
Hamilton-Wentworth	Toronto
Muskoka	Waterloo
	York

COUNTIES

Brant	Lennox & Addington
Bruce	Middlesex
Haliburton	Oxford
Hastings	Perth
Huron	Simcoe
Lambton	Victoria
Leeds & Grenville	Wellington

CITIES

Barrie	Oshawa
Brantford	Ottawa
Burlington	Owen Sound
Cambridge	Peterborough
Chatham	St. Catharines
Cornwall	St. Thomas
Hamilton	Sarnia
Kingston	Sault Ste Marie
Kitchener	Sudbury
London	Thunder Bay
Mississauga	Vanier
North Bay	Windsor
Orillia	

TOWNS

Ajax
Almonte
Collingwood
Dundas
Durham
Elliott Lake
Espanola
Forest
Gravenhurst
Haldimand
Halton
Hanover
Hawkesbury
Huntsville
Kincardine
Kingsville
Leamington
Lincoln
Markham

Milton
Mitchell
Oakville
Onaping Falls
Parry Sound
Penetanguishene
Pickering
Port Hope
Richmond Hill
Stoney Creek
Tecumseh
Thessalon
Thornbury
Tilbury
Wasaga Beach
Whitby
Wiarton

BOROUGHES

East York
Etobicoke
North York

Scarborough
York

VILLAGES

Ailsa Craig
Alvinston
Belmont
Bloomfield
Bobcaygeon
Chesterfield
Clifford
Colborne
Creemore
Frankford
Hastings
Havelock

Iron Bridge
Lakefield
Lancaster
Millbrook
Neustadt
Omemee
Paisley
Point Edward
Port Stanley
Springfield
Tottenham

TOWNSHIPS

Albermarle	Guelph
Alnwick	Hamilton
Amaranth	Hilliard
Arran	Hope
Atikokan	Howland
Barrie	Jaffray and Melick
Bayham	Kennebec
Beckwith	Keppel
Belmont and Methuen	Kincardine
Bentinck	Kingston
Biddulph	Laird
Blandford-Blenheim	Lake of Bays
Bonfield	Lindsay
Bruce	Macdonald, Meredith & Aberdeen
Caradoc	Additional
Cavan	Maidstone
Chandos	March
Chatham	Maryborough
Clarendon and Miller	Melancthon
Colbourne	Monmouth
Collingwood	Mono
Conmee	Murray
Cramahe	Muskoka Lakes
Dawn	Nairn
Day & Bright Additional	Neebing
Derby	Nepean
Downie	Nipissing
Dummer	Normanby
Dysart, etc.	North Fredericksburgh
East Zorra-Tavistock	North Himsworth
Egremont	North Monaghan
Eldon	O'Connor
Elma	Onondaga
Emily	Osgoode
Ennismore	Osprey
Euphrasia	Otonabee
Faraday	Oxford-on-Rideau
Flamborough	Percy
Foley	Perry
Galway & Cavendish	Pittsburgh
Gillies	Plympton
Glanbrook	Portland
Gosfield North	Proton
Goulbourn	Ross

TOWNSHIPS (CONT'D.)

Ryerson
St. Joseph
Sarawak
Seymour
Shuniah
Smith
South Monaghan
Sullivan
Sunnidale
Tilbury

Tiny
Uxbridge
Verulam
Warwick
West Carleton
West Garafraxa
Westminster
West Williams
Wollaston

IMPROVEMENT DISTRICTS

Balmertown

PLANNING BOARDS

Anderdon
Aylmer
Bonsanquet
Brant
Campbellford-Seymour
Central Northumberland
Central Elgin
Central Perth
Chatham
Cobourg
Delaware
Elliot Lake
Elora
Espanola
Fenelon Falls
Gloucester
Gosfield North
Guelph
Hamilton
Harrow & Colchester South
Hope
Kingston
Kingsville & District
Lakehead
London
Maidstone
Manitoulin

Melancthon
Midland
Milverton and Mornington
North Himsworth
North Wellington
Orillia
Otonabee
Parry Sound
Penetanguishene
Peterborough
Petrolia
Port Hope
Portland
St. Thomas
St. Vincent
Sandwich West
Saugeen and District
Seven Links
Sombra Mainland
Stratford
Sunnidale
Tecumseh
Tiny-Tay Peninsula
Toronto
Wellington
Westminster
Windsor

LAND DIVISION COMMITTEES

Essex	Peel
Haliburton	Perth
Hastings	Peterborough
Middlesex	Simcoe
Muskoka	Wellington
Ottawa-Carleton	

COMMITTEES OF ADJUSTMENT

Aurora	North York
Belmont & Methuen	Pittsburgh
Bobcaygeon	Port Hope
Caradoc	Port Stanley
Cavan	Prince
Goulbourn	St. Clair Beach
Hamilton	Sandwich West
Hilliard	Sarnia
Hope	Smith
Lancaster	Stratford
Lincoln	Thunder Bay
London	Tiny
Monmouth	West Garafraxa
Nepean	Windsor
Niagara Falls	York
North Himsworth	

BOARDS OF EDUCATION

Brant County Board of Education
Bruce County Board of Education
Carleton Board of Education
Central Algoma Board of Education
Durham Board of Education
East Parry Sound Board of Education
Frontenac County Board of Education
Geraldton Board of Education
Halton Board of Education
City of Hamilton Board of Education
Wentworth County Board of Education
Lennox and Addington County Board of
Education

BOARDS OF EDUCATION (CONT'D.)

City of London Board of Education
Middlesex County Board of Education
Muskoka Board of Education
Niagara South Board of Education
Norfolk Board of Education
North Shore Board of Education
Northumberland and Newcastle Board of Education
Prescott and Russell County Board of Education
Sault Ste Marie Board of Education
City of Toronto Board of Education
Waterloo County Board of Education
Wellington County Board of Education
City of Windsor Board of Education
York County Board of Education

SEPARATE SCHOOL BOARDS

Bruce-Grey County R.C.S.S. Board
Carleton R.C.S.S. Board
Dufferin-Peel R.C.S.S. Board
Durham Region R.C.S.S. Board
Haldimand-Norfolk R.C.S.S. Board
Hamilton-Wentworth R.C.S.S. Board
Kent County R.C.S.S. Board
London and Middlesex County R.C.S.S. Board
Nipissing District R.C.S.S. Board
Oxford County R.C.S.S. Board
Simcoe County R.C.S.S. Board
Sudbury District R.C.S.S. Board
Metropolitan Toronto Separate School Board

APPENDIX 7

WORKSHOPS CONDUCTED BY
COMMUNITY PLANNING ASSOCIATION OF CANADA

<u>DATE</u>	<u>MEETING LOCATIONS</u>	<u>ATTENDANCE</u>
Feb. 10, 1976	PETERBOROUGH	46
11	BARRIE	12
12	HAMILTON	55
18	WINDSOR	19
18	OWEN SOUND	18
19	KINGSTON	34
24	LONDON	28
26	TORONTO	25
Mar. 2	THUNDER BAY	40
3	MISSISSAUGA	8
4	NORTH BAY	15
9	OTTAWA	32
10	KITCHENER	42
11	SAULT STE. MARIE	30
17	NIAGARA FALLS	30
		<hr/> 434 <hr/>

A SUMMARY OF PUBLIC OPINION

ON THE

ONTARIO PLANNING ACT

Prepared for the Community Planning Association

of Canada (Ontario Division)

By: Anthony Adamson

Contents:

Page 1	Preamble
Page 2	General Comment on the Planning Act
Page 3	The Information of the Public
Page 4	The Participation of Citizens
Page 6	Planning Boards and the Planning Process
Page 7	Official Plans
Page 8	Role of the Province
Page 11	The Ontario Municipal Board
Page 11	Planning in Agricultural Areas
Page 13	Appendix A Schedule of Workshops
Page 14	Appendix B Analysis of Questionnaire

Preamble to Report

The following is a summary of reports from 15 public meetings organized by CPAC (Ontario) in order to obtain the opinions or attitudes of the general public on the operation of planning under the Planning Act. It is therefore, in effect, a summary of fifteen summaries. It is not possible to give weight to the comments recorded here nor always to know if they were made by laymen, professionals, or politicians. A consensus of views was attempted in the reports from Windsor, London, Kitchener, Toronto, Kingston, Hamilton and Peterborough. The composition of the audience or participants at these meetings varied but in most cases the recorders have indicated that there were present planning board members, councillors, professional planners, and developers as well as citizens active or interested in the planning process.

The meetings were held between February 10th and March 17, 1976 at Peterborough, Barrie, Hamilton, Windsor, Owen Sound, Kingston, London, Toronto, Thunder Bay, Mississauga, North Bay, Ottawa, Kitchener, Sault Ste Marie, and Niagara Falls. Appendix A contains fuller information on the meetings with names of those in charge, the dates of each meeting and the number of participants. A separate docket contains all the actual reports as received on the fifteen meetings.

Each chairman was supplied with both the "Issue Paper" put out by the Planning Act Review Committee and with the questionnaire sent out to all members of CPAC. After the first meeting a "yes" and "no" type of questionnaire was hastily prepared for subsequent meetings. This was done as it appeared that those attending were posing more questions than they were advancing ideas. This latter questionnaire with an analysis of answers is in Appendix B. The CPAC office is making an analysis of its own membership questionnaire and this is not appended to this report.

The meeting at North Bay was somewhat dissimilar in its organization to the meetings in other centres. It was one of the meetings chaired by a professional planner and took the form of an educational question and answer period. At other meetings the chairmen were of course also questioned and some of their answers appear in this report as comments but open discussion predominated.

The format of this report is intended to indicate without comment and as objectively as possible all the various and often differing opinions expressed mostly by laymen who do not have a working knowledge, or even an understanding of the Act. No attempt is made to weight or interpret the opinions. It is hoped that the Planning Act Review Committee will be able to make their own interpretation.

General Comment on the Planning Act

There was no repetitive expression of dissatisfaction with the physical results of the Planning Act. Most of the criticism related to the process. The philosophical principles underlying the problem of how to impose state control on land use in a free economy were scarcely touched upon. Although some favourable comment on the use of public land banking was made in Peterborough and antipathy to the power of developers in the planning process was expressed in at least a dozen meetings there was a general consensus in favour of the free enterprise system. The idea of "compensation and betterment" is recorded twice, at London and Ottawa. The need for and lack of "social goals" in Official Plans was noted at eight meetings but no suggestions were recorded as to how physical and social planning could be coordinated. The need for curtailing or containing urban growth was implied at every meeting but little hope was held out for obtaining it except under strict Provincial restriction, which form of restriction generally came under criticism.

There was recorded a "strong feeling" in Peterborough that planning was a matter of common sense based on experience rather than a science and this opinion seemed to underlie many of the citizens' comments but not those of the officials and professionals. In Hamilton a "consensus" was recorded and in Toronto a comment was made that planning was now conducted under the Act on the "adversary principle". In Peterborough this was called the compromise principle and was not considered necessarily bad. In Sault Ste Marie it was suggested, possibly by a builder, that the purpose of planning seemed to him to be to control competition.

In London it was said that the Planning Act works best with new developments and works least well when used to guide changes in older urban areas. In Kingston, North Bay, Windsor, Kitchener, Ottawa, Mississauga and Barrie the Planning Act appeared to many to have been designed for Southern urban centres and the system it set out then to have been "imposed" on rural and Northern areas. In Niagara Falls and Ottawa professional planners were condemned for appearing to have an interest in land only for its development potential. In Mississauga and Toronto the Planning Act seemed to several speakers to be used primarily as a restrictive protection of private property interests. This was echoed in Sault Ste Marie and Niagara Falls where the Act was thought to encourage restrictions rather than to induce positive action and, it was said, the Act should be revised to obviate this. In Toronto and Windsor speakers said the Act did not provide adequately for resource management nor did it contribute to "social health". In Kitchener and Peterborough it was said that planning and its consequent delays had driven up the price of land so that only large corporations could handle development.

In Peterborough the thought of Regional Government was deplored in the meeting but the need for comprehensive regional controls beyond Peterborough city boundaries was recognized. How this was to be achieved without some form of overall regional political control was not discussed although the 1963 annexation used by the city to prevent or control border development was firmly attacked. In Windsor it was said that the interests of bordering municipalities were being ignored.

The Information of the Public

As might be expected and as was intended the activity of the lay public or citizen within the planning process which is prescribed and/or permitted under the Act came in for much comment. It was almost universally felt that the citizen had the right to full information.

In Windsor it was said that the Act was difficult to understand. At every meeting comment was made that the average citizen can not understand the notification, the advertisements, and the documents concerned with planning which the Act required to be circulated or published for the information of the public. For instance, it was not possible to know that lot 12 in Plan 384 was 15 Elm Street, not to know what could be done in R324, nor how to interpret metes and bounds. In Barrie, one speaker said that the public notifications on planning were so phrased as to be not only incomprehensible but they were inadequate in themselves. In Sault Ste Marie notification re zoning change only to those living within 400', as prescribed in the Act, was called inadequate. In Thunder Bay the problem was put in stronger terms, it was said that even if a citizen became informed both in the manner legally prescribed and in an understandable manner it was only the "bureaucrats" who would know what to do next because only they know where to go for the answers. In Windsor it was said that many citizens are "afraid" of legal notices and nearly all planning notices are couched in legal language. In Ottawa it was said that the flow of information was greater to developers than to citizens.

Provincial government departments were considered uncommunicative even with each other in Thunder Bay and London, and in Toronto a consensus is recorded that there should be less secrecy especially at the Provincial level. In London much so-called information of the public was termed "tokenism".

This barrage of criticism was countered at many meetings by planning officials. In Kingston and Mississauga it was stated that information is always available and officials are always ready to inform anybody, and that citizens who are interested should perhaps be better organized themselves. In Barrie an elected representative said that information was broadcast on TV stations. She pointed to the costs of direct mailing and newspaper advertising when "most" citizens are disinterested. In Windsor it was said that the average citizen can obtain information readily and that many plead ignorance without justification--"governments should not have to ring doorbells". At many meetings it was pointed out that Councils and Boards hold public meetings and hearing which are sparsely attended.

At the Hamilton meeting a demand was made that the city have a "hot line" or someone at City Hall who could answer questions. This criticism was answered by a planning staff member present who said that she was that person and her phone rang all the time. At Hamilton also it was said that information as to land ownership should be available at City Hall to the citizen who might fear that a land assembly was under way. The reply to this was that this information, for what it was worth, was required to be available under another Act in the Registry Office not the City Hall.

Suggestions were made for ameliorating the sense of frustration which members of the public may feel due to lack of information or the inability to comprehend it. These suggestions were: the introduction of a program such as NIP, the opening of a "store front" office to encourage citizen participation as in Toronto, and annual educational workshops (such as the one held at North Bay in this series) or through courses in high schools. In Mississauga it was suggested that notices be sent out in Hydro bills.

There was little direct discussion as to why the private citizen wanted more information on planning than on other equally complex municipal administrative procedures. At the Peterborough meeting the recorder stated that comments seemed to indicate that "all the people wanted to know was exactly 'where they stood' with regard to planning and development" and also to get "a clear picture of what lies ahead for development of any given area". A developer at the Toronto meeting implied that all property owners were developers when in his statement he said that "anyone owning property within 50 miles of Queen and Yonge Street is a land speculator whether he knew it or not". At Peterborough a speaker spoke for "landowners" of "tracts" of land within a city who had presumably become surrounded by urbanization. He said these owners often suffered "hardship" not knowing what to do and implied that they should be treated differently to "developers".

The Participation of Citizens

This was a subject which brought out much sentiment and comment. In Kingston the opinion was expressed well in that citizen participation was essential in planning and that it required: 1. the ability to be informed; 2. legislation and administrative procedure which could be comprehended; 3. greater informality in the planning process; 4. expression of opposing opinions based on differing values to be given equal consideration by authorities. At Thunder Bay, Kitchener, Sault Ste Marie, Ottawa, London Hamilton, and Niagara Falls it was noted that citizens are only required under the Act to "react" to planning proposals already prepared whereas their input should be at an earlier stage. It was said that plans suffer from this lack of early public input and that the public becomes frustrated and antipathetic to planning because of their lack of "voice". At Sault Ste Marie an official indicated that citizen input was encouraged there before the proposals were drawn up and not as required in the Act. In Mississauga only pressure groups, it was said, attend Planning Board meetings. In Windsor a speaker said that plans prepared by outside consultants usually had less citizen input than had those prepared by local staff. No meeting was without some expression of opinion that more and earlier citizen input was needed.

In North Bay, Hamilton, and Peterborough it was said that citizen's advice was sought and given but not acted upon as it carried less weight than professional opinion or a developer's well organized argument. This theme recurred. At Hamilton, the humane quality and "human scale" of public opinion was there said to be a valuable counterbalance to technocracy. At Windsor the same idea was expressed in a description of the apparent opposition of technical to political attitudes. At nearly all the meetings when discussion

turned to development the developer was said to be better able to present his case before planning bodies because he had the means to assemble legal and professional planning advice and the individual citizen did not have these means. This could result, it was said, in actions which were unfair and not in the public interest.

The need for citizen expertise in presenting opinions on planning matters was discussed fairly fully in Windsor and Toronto. Citizen opinion must be expressed with expertise to have effect. Without expertise the lay public is at a disadvantage before the professional. In Toronto, this lack resulted, it was said, in the public being often put in the position of having to give its blessing to a plan or by-law which they instinctively opposed. A system of funding citizen expertise was requested at London, Thunder Bay, Ottawa, Toronto, and North Bay; and an Ombudsman was suggested in Hamilton. It was implied in comments at some meetings and stated as an opinion in North Bay that professional planners exercised too much control over Councils and Boards and as in other meetings, that a revision of the Act should require citizen participation at the inception of planning proposals. In detail on this subject a speaker in London said that under section 35A a system of redevelopment could be approved without adjoining property owners having any voice at Council or OMB and this needed alteration. At Kitchener a speaker said he thought the public at large was not interested in details of design and siting, although presumably neighbours might be.

A speaker at Windsor said that citizen participation cannot be legislated but "must be achieved by a mutual spirit of trust and cooperation". Some positive ideas of how to bring about this trust and cooperation were discussed. In North Bay the Quebec system of "mobilization sociale" employing social activists or "animateurs" was praised. In Ottawa the use of neighbourhood planning bodies was approved and in Hamilton neighbourhood planning committees were said to work well but they should be given responsibilities or authority as well as funding and/or legal aid. Praise was recorded in North Bay to the "core area review" in Toronto and to the ideas of "store front" offices to educate and obtain local opinions on local matters. The Federal Neighbourhood Improvement Program, NIP, was discussed and praised in Windsor, Toronto, and Sault Ste Marie. In Windsor it was noted that NIP worked particularly well with older people who do not understand planning jargon. They are helped by volunteer visitors.

At Kitchener a lawyer and member of the Chamber of Commerce is recorded as saying that citizen participation is costly, delays proper planning and should be curtailed. At Ottawa it was said that many of the delays were not caused by citizens participating in the planning process but that they were caused by "bureaucrats and elected representatives", yet at this meeting a comment reads"--usefulness of being able to delay, keep a developer in Court for 2 years".

Planning Boards and the Planning Process

The role and the powers of Planning Boards was discussed at several meetings. In Thunder Bay, London, Saulte Ste Marie, Barrie, Ottawa, Peterborough and Niagara Falls there was sentiment expressed in support of increasing the decision-making powers of local boards and councils particularly on minor matters as it was said that the Province cannot appreciate all the details of local conditions. An entirely contrary opinion was also expressed at Peterborough where, however, it was also said that citizen participation with the board was good. It was not clear at several of the meetings whether speakers wished to increase the decision-making powers at the expense of the Ministry only or whether the powers of the OMB were also in question. At Thunder Bay it was said that the regional board was "under pressure" from the city council which had different interests to those of surrounding areas yet had the largest voice in the regional committee or board. At Hamilton the regional board was said to be preferable to local boards. At Ottawa it appears to have been said that the Regional Board should have its power increased at the expense of the Province and possibly at the expense of local boards. At Kingston it was recorded that most of the meeting was taken up with the question of "who should administer the planning process" and the participants appear to have agreed that the answer was "dependent on the issue".

There was some disillusionment with the membership qualifications of Planning Boards. It was said that they were too often composed of representatives of special interest groups (Toronto and Ottawa); that they do not have the skills to prepare Official Plans (Windsor); that there should be a majority of appointed members (Barrie and Owen Sound); that appointments should be for one year only and/or that the Board should have the right to expel members who do not turn up for meetings (Owen Sound); that there should be an absolute three year term and no reappointment (Ottawa); that the Act should require that members should represent a cross section of society (Sault Ste Marie, where four members are school teachers); that boards are too often weak and look to other departments and governmental agencies and refuse responsibility (Thunder Bay). At this last meeting a Planning Board member said he had been on his board for two years and was still uncertain of his role. At the Owen Sound meeting the Grey Planning Board presented a brief which included the official recommendation that it be allowed to eject a member who did not attend.

Little was directly unrecorded on whether appointed citizen Planning Boards are to be preferred to committees of Council. In Sault Ste Marie, Ottawa and Barrie comment was made that appointed boards are to be preferred to committees of elected persons.

At Kingston it was suggested by one speaker that Planning Boards should also function as educational bodies and hold seminars on the local planning process and goals. In Hamilton it was said that most of the time of Planning Boards was taken up with daily problems arising mostly from past mistakes and had no time for anything else. This was indicated at other meetings.

The Heritage Act was praised in London, Ottawa, Niagara Falls, and Kingston. In London it was recommended that demolition permits should only be issued after building permits or site plan agreements had been issued. Building permits came in for uncertain criticism at Ottawa.

In Owen Sound the question of deregistration of an old subdivision came up. It was suggested that the Act be amended reducing the time period before which action for deregistration of a plan on undeveloped land cannot be taken.

In North Bay it was said that the strict building and lot size regulations "stymies" those who want to build their own houses in Northern Ontario.

The 5% lot allocation for park land was discussed in a few meetings. In Barrie it was given consideration and the figure of 5% was said to be "too rigid" and discretion was needed.

In Kitchener a statement was made presumably by a builder present that the planning process tends to favour the big corporations because they can wait out the delays but the small builder cannot. He asked if there were not some way in which development permission "in principle" could be given earlier in the process.

Official Plans

Official Plans were discussed at most meetings and some recorded comments follow. In Thunder Bay the Official Plan was considered a weak document and it was shown that even though certain islands were designated "green space" they still got to be used for coal loading facilities because the City did not acquire the islands. In Sault Ste Marie it was said that the Official Plan was insufficiently adhered to when zoning changes were made.

A developer indicated his opinion that councils "catch" developers with holding and other zones by purposely having an indefinite Official Plan. Other remarks at this meeting were that the Official Plan is negative and restrictive, and that there is confusion between the plan and the zoning by-law because of the use of holding zones. In Mississauga the Official Plan, it was said, tended to give a false sense of security, presumably because of its indefinite character, and there was no mechanism or requirement to keep it up to date. In Windsor it was said that the Planning Act should require 5 year mandatory reviews. In Owen Sound and Ottawa some discussion was recorded which appeared to indicate that the different purposes of the Official Plan and the Zoning By-law were not understood. In Kitchener the question was asked what are buffer zones and how are they obtainable. In Barrie the long-term effectiveness of an Official Plan was questioned as it was frequently revised when zoning changes were made. In Windsor it was said that when such changes were being made there should be some form of interim land use control. In North Bay the local Official Plan

did not seem to meet with the approval of the meeting. One speaker here thought that the Official Plan was a massive political job having no scientific basis and whose purpose is primarily to see that services were brought to development land most cheaply.

In contrast to the latter opinion as to the proper nature of an Official Plan it was said in Mississauga that it quite wrongly does not refer to non-land-use questions at all and is purely a physical plan with no reference to socioeconomic goals translatable into land uses--"if you can't map it don't plan it". At the same meeting it was said that as developers effectively do the physical planning the Official Plan should be a document of municipal targets expressed in population, density figures and dollar expenditures. Social planning came in for a great deal of discussion at several other meetings. At Thunder Bay it was said that social planners should have an input in the preparation of physical Plans as the area has special needs, people being often "pawns in the hands of industry" and industry's need for lands. In London, Kingston, Kitchener, Ottawa, Windsor as well as Mississauga it was said that social aspects of planning are ignored and that social goals should be included in the Official Plan. In Niagara Falls and Ottawa priority should be given to supplying housing and a speaker asked how could this priority be indicated in an Official Plan. In Toronto there was a consensus recorded that social and economic policy considerations should be part of an Official Plan. In Mississauga Section 12 was said to be available for social planners to make an input but it was rarely used.

Zoning By-law content came in for almost no comment except in the manner in which the content was to be explained to the public. Holding zones and their use were mentioned only in Thunder Bay. Suggestions that zoning by-laws should be standardized as to content is noted in the section on the role of the Province.

The Role of the Province

At the Toronto meeting the role of the Province came in for some sophisticated discussion, in fact the central theme for discussion seems to have been the division of responsibility for planning as between the municipalities and the Province, as it was also at the Windsor meeting. In Toronto some present thought that planning should be carried on locally but under Provincial guidelines or standards and with social goals set by the Province. The Province was criticized for the lack of available printed information on planning suitable for public consumption and for its secret or closed door tactics. Its planning officials were also criticized for not being sufficiently available and in attendance at local planning discussions. The argument was also put up at the Toronto meeting that Provincial politicians could not be held personally responsible for local plans at election time but that local councillors could. Therefore local plans should not have a dominant Provincial imprint. The consensus at the Toronto meeting was that the question of the allocation of jurisdictional authority and the source of standards was "unresolved".

At several meetings the Province was asked to set up regional plans, guidelines, standards or even instructions for the guidance of local authorities. At Thunder Bay and Kingston some form of Provincial land use plan was suggested. At London, Kingston and Owen Sound it was suggested that the Province had the duty to control the size of certain cities in order to preserve the natural resources and the good agricultural land of the Province. At Windsor opinions both for and against ill defined "yardsticks" were expressed but the idea of having the Province impose a freeze on land around the city met with opposition from one speaker, whereas the need for the protection of agricultural land against the spread of urbanization was recognized at Niagara Falls and the responsibility for some form of freeze was pinned on the Province.

At Owen Sound the "social sterility" of new development was commented upon and the speaker, presumably not trusting the local board to prevent this, suggested that "guidelines", again not defined, should be available from the Province. At both Kitchener and Windsor it was suggested that the Province might set standardized zoning categories for use across the Province. For instance, the definition "light industry" differs in each municipality and this is difficult for outsiders. The only Provincial yardstick or guideline or standard mentioned at any meeting was the flooding criteria which in London was called unreasonable.

At Kingston and Kitchener it was said that the Province had too much involvement in matters which are purely local and this was implied in other meetings. No definition of what is purely local is recorded although at Thunder Bay "zoning" was considered purely local and something that should not be interfered with by the Province. At Barrie the decentralization of Ministerial powers was recommended but this process was not defined. In London and Barrie the questions of the propriety of the Federal and Provincial Governments being above local restrictions was questioned. In London there appeared to be a land fill site question.

The Province came in for considerable criticism for its lack of understanding of the problems of Northern Ontario. A speaker at North Bay said the biggest problems there arose as a result of the attitudes of planners and administrators in Toronto. Another said that a procedure useful in the South might not be necessary in the North at all where there was "plenty of land". Imposition of these Southern ideas was detrimental to the final physical arrangement and caused delay. At Thunder Bay these sentiments were echoed. It was said here that the needs of the North were not the same as the needs of the South, and that Southern bureaucrats make or impose plans suitable for Southerners but not for Northerners. An example for this complaint was the strict control of severances on wild land unsuitable for agriculture. A Northern planning consultant opposed this view and pointed to the costs of servicing scattered and indiscriminately located housing North of Sudbury. A Bell telephone man supported this view.

The role of the Province to supply funds for planning came in for discussion. In Mississauga it was said that a growing municipality financing itself on the property tax was hamstrung and it had to plan for assessment. This influence of assessment on planning was also noted in Toronto. In Thunder Bay and Kingston the

municipalities were said to be short of funds and might not be able to finance the total planning process. In Ottawa the comment is noted "subsidies may result in irrational planning" but it is not understood to what this refers. At Owen Sound the Provincial water purification requirements were said to have posed an undue burden on the people. In North Bay a consultant pointed out that funds were now available for certain specific planning purposes.

The costs of citizen information and participation and their value to the planning process came in for discussion. In this regard the Province was looked to for funding. At Windsor it was suggested that the costs of preparing a sufficient number of draft Official Plans under Section 16 to satisfy the public should be paid for by the Province. At this same meeting a member of the public suggested a compounding of the problem by asking why "all complete studies" should not be circulated to interested citizens. At Toronto it was stated that municipal planners are not always able through lack of funds to present all the information, physical, social and economic, which even the Planning Board needs in order to exercise planning judgement. In Thunder Bay a particular problem was indicated with the Regional Planning Board whose adequate funding for regional planning was hampered because 90% of the funding came from the city.

The costs to citizens and citizen's groups who present opposing views before the Municipal Board and before Councils were mentioned in North Bay, Toronto, Ottawa, Kingston, and Kitchener. These costs could not, it was said, be born by Private persons and organizations particularly as lawyers appeared almost always necessary before the OMB and where expertise was required. It seemed to be the consensus that though there was one law for the developer and municipal council and the same law for the citizen opposing development the former can pay to understand it, use it or get around it but the latter cannot. The citizen usefully opposing plans should therefore be subsidized somehow and by the Province. In Hamilton it was said that "money is might".

The great number of Provincial agencies and Ministries who must have their say under the Act was frequently mentioned. In Peterborough the count it was said numbered 102. At Mississauga, whatever the number, it was thought to be too many. In Thunder Bay a count was attempted on the number of agencies who had a say in the Official Plan and other documents but who also enjoyed the power to avoid compliance with them. At Kitchener it was indicated that the Planning Act mentioned sixteen other acts, at Ottawa the count was upped to 40. At Kingston it was said that policies of one department or agency affecting the form and content of an Official Plan or by-law were sometimes contradictory.

At Thunder Bay, Windsor, Niagara Falls, Owen Sound, Kingston, and Kitchener these agencies with a finger in the planning pie were thought to be the chief cause of the excessive delays for which planners are criticized. In Ottawa environment controls were thought to be inadequate. At several meetings the delays caused by Provincial agencies were said by developers present to be most costly and hard on them with the result that land costs were higher in Ontario than anywhere in Canada. At Windsor delays were said also to be caused by unnecessary and possibly frivolous citizen appeals to the OMB against plans and those speakers in other meetings who spoke against the enlargement of statutory

citizen input into the planning process blamed citizens not the Province for many of the costs caused by delays. At Mississauga, Ottawa, and Peterborough it was said that these sorts of delays were necessary and usually valuable. At Windsor it was stated that the Official Plan of Leamington has been already delayed for four years by objections.

At Toronto it was said that special purpose bodies set up by the Province indirectly plan with questionable results for the whole.

In North Bay land banking in Gravenhurst and a municipal subdivision was praised. A questioner asked if this had taken the usual 3 or 4 years. The chairman answered that it had only taken three months. No explanation was given.

The Ontario Municipal Board

The OMB was not fully discussed at many of the meetings. At some its role did not seem to be understood. At Hamilton someone said it ought to be elective. At Kingston and Thunder Bay the OMB was possibly given more thorough consideration than at other meetings but it came in for criticism for being too formal, for giving preferred treatment to lawyers, for being costly, and for stressing its judicial rather than its reviewing role. In London the OMB was termed unsympathetic to citizens interests and court recorders were needed so that citizens could study what was said. It was suggested in Kingston that it should be reorganized as a "citizens court" and hearings be held in the evening. In Ottawa it was said that "unincorporated citizens' groups" should have the right to appeal to the OMB.

Its function as an appeal court was considered "helpful" in Hamilton to the citizen and it was considered "valuable" at Mississauga but a person there questioned its appropriateness as a final appeal body on the grounds that no appointed body in a democracy should be in this position and the elected Minister should therefore be the body responsible.

Councils were said to "pass the buck" to the Municipal Board when there were hot political issues at home. This was said in Hamilton and Peterborough, and implied at other meetings. At London it was said that the OMB had had hearings to hear citizen complaints and nobody had turned up. In fact in the London consensus it was agreed that there should be penalties for "frivolous" appeals which are designed to delay final decisions.

In Hamilton it was said that Section 35 A should be amended to allow appeals to the OMB on site plans. At present the Act allows a developer to appeal but not those opposing the developer. In a question relating to open space zoning it was stated that the OMB has consistently ruled that open space must be acquired by the municipality if it wishes to see the land maintained as open space. This was not mentioned in Thunder Bay when criticism of the Official Plan was made because an island zoned "open space" had been developed as a coal loading depot.

Planning in Agricultural Areas

In Appendix B will be found the question (13) "Do you think agricultural land is being sufficiently protected from development?" 81.9% of those answering said "No". A supplementary question was "If you answer "Yes", is the farmer being fairly treated?" 51.2% answered this with "No". It seemed advisable, therefore, in this report to give a special section to the opinions expressed in the meetings to do with the planning of agricultural lands.

Some comments have already been noted about the need to control urban expansion, the suggestion that the Planning Act was designed for urban areas and the resulting process was imposed in rural areas etc. The job was considered to be the responsibility of the Province. Other comments were also made.

In Kingston the need for Official Plans and Zoning by-laws in rural areas was questioned. In Sault Ste Marie the Official Plan was said not to offer protection to farm land. In Owen Sound and in Barrie the destruction of farm land was deplored and its protection was termed "essential". At the Windsor meeting it was noted that most of the land in South West Ontario is now in agricultural categories 1, 2, or 3 and it is grossly endangered. At Windsor it was said that urbanites were "smug" in their talk about protecting land but did nothing about it. At Toronto the comment was made that farm land is a resource not a commodity. In Ottawa it was said that we have not determined to what degree land is private property and to what degree a public resource. It was also said that urban people consider farm land a resource to be preserved at the expense of the farmer.

As was expected there were farmers or owners of farm land who did think of land as a saleable commodity, not as a resource. At Niagara Falls one said that housing was needed, that there were many rural schools half empty, and that therefore there should be more rural severances. The protagonist for more severances also said that Land Division Committees should be composed of farmers. An antagonist of more severances at Niagara Falls said that farmers should be against severances and strip development, that livestock and city folk do not get on and that two or three severances to a farm was enough. In North Bay the chairman, who was a rural planning consultant, pointed out that planning in rural areas was necessary, that services of various kinds had to be planned for. Another at North Bay said that non-farm persons going out into the country must be firmly told, first, that they could not expect ever to get urban services, and that they must also expect manure piles, pig smell, antipathy to dogs, etc. The dislike of such things by vacationers and urban/rural people could not be permitted to curtail agriculture.

There were a few criticisms in detail of the Act. At Kitchener and Owen Sound it was said that the legal requirement to notify changes in zoning only to those within 400' of the change was patently absurd. At Owen Sound the Grey Planning Board submitted a brief which included a recommendation on line fences. There was also a comment that a new house could be built near a barn but a new barn could not be built near a neighbour's house. In Kitchener the importance of preserving farm land was expressed in the statement "all we have to leave the future is land for food production".

Appendix A

SCHEDULE OF CITIZEN WORKSHOPS ON THE PLANNING ACT REVIEW

<u>DATE</u>	<u>MEETING LOCATIONS</u>	<u>ATTENDANCE</u>	<u>LOCAL COORDINATOR</u>	<u>CHAIRMAN</u>	<u>RECORDER</u>
Feb. 10	Peterborough	46	Paul Dorris	John Wood	Jo Skan
" 11	Barrie	12	Wayman Fairweather	Wayman Fairweather	Rick Jones
" 12	Hamilton	55	Diane Dent	Richard Rosenthal	Paul Hewitt
" 18	Windsor	19	Marcy Katzman	Richard Rosenthal	Paul Hewitt
" 18	Owen Sound	18	Gord Buzza	Wayman Fairweather	Rick Jones
" 19	Kingston	34	Pat Hodge	John Wood	Pat Hodge
" 24	London	28	Patricia Telfer	Richard Rosenthal	Paul Hewitt
" 26	Toronto	25	Rev. Stewart Coles	Max Bacon	Anella Parker
Mar. 2	Thunder Bay	40	Ken Tilson	Max Bacon	L. Tilson
" 3	Mississauga	8	Dave Miller	Janet Dewan	Eilert Frerichs
" 4	North Bay	15	Peter Picherack	Ross Raymond	Peter Picherack
" 9	Ottawa	32	Allan Clarke	Guy Cote	Allan Clarke & Elsbeth Menendez
" 10	Kitchener	42	Sam Klapman	Janet Dewan	Eilert Frerichs
" 11	Sault Ste Marie	30	Ray Smith	Ross Raymond	Sam Pringle
" 17	Niagara Falls	30	Malcolm Stewart	Janet Dewan	Eilert Frerichs

N.B. Meetings were attended by Helen White or Dale DuQuesnay of the C.P.A.C. Divisional Office, Toronto.

Appendix B

A summary of answers received on the questionnaire --274 respondents

A. Municipal Planning Objectives

1. The interests of present residents, and the interest of future residents may often not be the same. Which should be given priority in general principle?

Present Residents 56.2% Future Residents 33.9% (Write-in for "Both" 10%)

2. Physical planning relates to property and largely to the private use of private property. Should local Official Plans or strong Provincial jurisdiction assure the provision of low income housing?

Official Plans 51.9% Provincial jurisdiction 40.5% (Write-in for "Both" 7.6%)

B. Organization of Municipal Planning

3. If your municipality has a planning board or has had one, do you think it has taken away from the elected Council too much of the necessary decision making role essential in democracy?

Yes 17.3% No 82.7%

4. If your municipality is not within a regional municipality, do you think the developments taking place beyond the borders of your local municipality are being satisfactorily planned?

Yes 25.0% No 75.0%

C. Planning Instruments and Procedures

5. If you are not a municipal official, would you be able to outline the contents and goals of your Official Plan?

Yes 38.3% No 61.7%

6. If you are not a municipal official, would you be able to describe the system of development control now operating?

Yes 43.0% No 57.0%

7. Most developers complain that delays in obtaining all the necessary permits are excessive. Do you agree?

Yes 63.0% No 37.0%

8. Do you think that such development delays form an important element in the high cost of housing?

Yes 64.5% No 35.5%

D. Provincial Activities

9. Do you think that Provincial authority, either directly or through the Ontario Municipal Board, restrain the implementation of plans for your area to the detriment of your interests?

Yes 52.1% No 47.9%

E. Public Role

10. Many citizens feel that they do not have adequate access to information about planning issues. In your municipality do you think that it would be easy or difficult to get information on matters in which you might be interested?

Easy 47.5% Difficult 41.7% I would not know how to go about it 10.8%

11. Do you think the public is offered sufficient opportunity to voice opinions in the preparation of plans or zoning by-laws?

Sufficient 40% Insufficient 60%

12. Do you feel that Planning Board and Ontario Municipal Board have important roles in the defence of private interests against the Council's broader political interests?

Planning Board	Yes <u>64.2%</u>	No <u>35.8%</u>
Ontario Municipal Board	Yes <u>82.4%</u>	No <u>17.6%</u>

F. Rural Planning

13. Do you think that agricultural land is being sufficiently protected from development?

Yes 18.1% No 81.9%

If you answer yes, is the farmer being fairly treated?

Yes 48.8% No 51.2%

14. Is the planning need in the unincorporated settlements of Northern Ontario being met adequately by the Province?

Yes 2.1% No 40.6%

Do not know 57.3%

SUBMISSIONS RECEIVED BY THE REVIEW COMMITTEE

REGIONAL AND DISTRICT MUNICIPALITIES

Submission #	Received from	Date	Subject
8	Haldimand-Norfolk	Dec. 8	Relationship of Planning Act to Regional Act
116	Peel	Feb.27	General comments, proposed amendments
117	Muskoka	Feb.27	General comments, proposed amendments
171	Halton	Mar.19) Apr.22)	Authority of Plan and Plan content; general comments
180	Hamilton-Wentworth	Mar.23) Apr.29)	General comments
215	Durham	Mar.31 Apr.23)	Alternative framework for organization of provincial and municipal plans; general comments
227	York & Town of Newmarket	Apr. 5) Apr.12)	General comments
277	Ottawa-Carleton	May 7	General comments

COUNTIES

66	Perth Area Joint Study Committee	Feb.12	Greater jurisdiction given to local municipalities
139	Perth Planning & Development Committee	Mar. 8	General comments on effectiveness of planning
170	Oxford	Mar.19	General comments on planning process, how it affects Oxford
190	Middlesex	Mar.25	General comments
184	Grey Planning & Development Committee	Mar.24) Mar.26)	Section 42(6) tariff of fees; also oral brief - general
212	Wellington	Mar.31	Section 42(6) - fees payable
213	Victoria	Mar.31	Resort residential areas; severances, deeds to new lots

LOCAL MUNICIPALITIES

Submission #	Received from	Date	Subject
9	Twp. of Orillia	Dec. 8	Amendment to allow appointed delegate to vote when representing a municipality on any committee or board
11	Twp. of Lake of Bays	Dec.12	By-laws and O.M.B. approval, 5% severance fee
13	Twp. of Loughborough	Dec.16	Transfer of approval powers from province to municipalities
16	Twp. of Sidney	Dec.19	Amendment re subdivision
19	Twp. of Dysart et al	Dec.24	Amendment re levy on severances.
21	Twp. of Schreiber	Dec.30	Transfer of approval authority from province to municipality
23	Village of Creemore	Jan.	Jurisdiction over planning should be at local level
31	City of Brantford	Jan.15	Endorses Owen Sound resolution
36	Twp. of Flamborough	Jan.21	Amend section 31; 33; 35; 42
45	Twp. of Sandwich West	Jan.30	Amend sections 14(1); 42(13)
48	Town of Prescott	Feb. 3	Amendments to official plans, subdivision regulations
50	City of Guelph	Feb. 5	Endorsing resolution of Guelph P.B.
56	City of Belleville	Feb.10	Approval authority for rezoning and subdivisions to municipal council
57	City of Thorold	Feb.10	Amendments to official plans, subdivisions zoning by-law regulations
63	Twp. of Conmee	Feb.12	Amend section 31(1)
67	City of Vanier	Feb.13) Mar.23)	Comments on nature, process, tools of municipal planning, comments on section 22
69	Twp. of Hullett	Feb.16	Comments re consents, agricultural land
70	Twp. of Day and Bright Additional	Feb.16	Comments re subdivisions, northern concerns
74	Town of Huntsville	Feb.18	Amendments to subdivision and land division regulations

LOCAL MUNICIPALITIES (CONT'D.)

Submission #	Received from	Date	Subject
75	Town of Newcastle	Feb.18	General comments, proposed changes
79	Town of Vaughan	Feb.19	Amendments re official plans, consents
80	Town of Richmond Hill	Feb.20	General comments, effectiveness, proposed changes to Act
81	Twp. of North Himsworth	Feb.20	Comments re subdivisions
82	Twp. of East Gwillimbury	Feb.20	General comments
90	Twp. of Alliston	Feb.23	General comments
91	Twp. of Nepean	Feb.23	General comments
92	Twp. of Muskoka Lakes	Feb.24	Amend section 35 etc.
104	Town of Midland	Feb.25	General comments, effectiveness of Act
105	Town of Gravenhurst	Feb.25	Make provision in Act for secondary plans
106	Twp. of Moore	Feb.26	Comments re decentralization, official plans and plans of subdivision
107	Twp. of King	Feb.26	Amendments to official plans, subdivisions, restricted area by-laws, committee of adjustment
114	Twp. of West Carleton	Feb.27	General comments, effectiveness of Act
127	City of Brockville	Mar. 1	Comments on Planning Board matters
134	City of St. Catharines	Mar. 4	Amend sections 22; 29; 33; 35; 42
135	Town of Dundas	Mar. 4	Development control to be at local level
145	Twp. of Dawn	Mar.10	Development control to be at local level
159	Borough of Scarborough	Mar.15 " "	Amendments to official plans, zoning and other regulations

LOCAL MUNICIPALITIES (CONT'D.)

File #	Submission #	Received from	Date	Subject
	164	City of Kitchener	Mar.17	Specific areas related to planning tools
	165	Town of Whitby	Mar.18	General comments
	166	City of Windsor	Mar.18	General comments
	185	City of Windsor	Mar.24	Committees of Adjustment
	186	Village of Lancaster	Mar.24	Oral presentation: general
	187	Twp. of Oxford	Mar.24	Oral presentation: general
	194	City of London	Mar.25	Delegation of powers to municipal councils
	195	Town of Oakville	Mar.25	Approval procedures and other general comments
	196	Twp. of Sarnia	Mar.25	Oral presentation: general
	197	Twp. of March	Mar.25	Condominium amendments
	202	Town of Hanover	Mar.26	General comments
	203	City of Niagara Falls	Mar. 29	General comments on serving Niagara Falls area
	209	Twp. of Erin	Mar.30	Comments on Guelph and Suburban P.B. submission
	216	City of Chatham	Mar.31	Zoning changes, subdivisions
	217	City of Thunder Bay	Mar.31	General comments
	219	City of Mississauga	Apr. 1) Apr.30)	Interim and final submissions - general comments
	220	Twp. of London	Apr. 1	Section 33(16)
	221	Town of Thessalon	Apr. 1	More locally orientated planning process
	223	Borough of North York	Apr. 5) Apr. 5)	Oral and written submissions
	224	Twp. of Tiny	Apr. 5	Oral presentation: general
	225	Town of Markham	Apr. 5	Oral presentation: general
	226	Borough of East York	Apr. 5	Oral presentation: general
	247	Twp. of Perry	Apr.13	Oral presentation: designate township as a planning area
	248	Twp. of West Garafraxa	Apr.13	Oral presentation: severances and appeal system

LOCAL MUNICIPALITIES (CONT'D.)

Submission #	Received from	Date	Subject
254	Town of Stoney Creek	Apr.15	General comments
255	Twp. of Glanbrook	Apr.15	General comments
256	Town of Ancaster	Apr.20	General comments
269	Metropolitan Toronto	Apr.29	General comments
281	Borough of Etobicoke	May 21	General comments
286	City of Toronto	May 28	General comments
296	City of Ottawa: Property Standards Division	June 25	Section 36 and 37
299	City of Peterborough	July 16	Time limits and procedures for appeals on severances: papers on planning process and procedure
304	Twp. of Gloucester	July 30	General comments

PLANNING BOARDS

38	Guelph P.B.	Jan.27	General comments: effectiveness of Act
46	Osgoode P.B.	Feb.	Jurisdiction over planning to be at local level
51	Cobourg P.B.	Feb. 5	Jurisdiction over planning to be at local level
53	Deep River P.B.	Feb. 9	Amend sections 4, 34
58	Orangeville Town & P.B.	Feb.10	Amendments to official plans, zoning regulations
61	Kenora P.B.	Feb.11	Amend sections 8, 12, 33
62	Niagara-on-the Lake P.B.	Feb.11	Amend sections 33(5), 41 mobile home legislation
73	Seaforth P.B.	Feb.17	Changes to regulations re subdivisions etc.
83	Tecumseh P.B.	Feb.20	Approval authority to be at local level
93	Parry Sound P.B.	Feb.24	General comments
100	Belle River P.B.	Feb.25	Delegation of subdivision approval to planning boards

PLANNING BOARDS (CONT'D.)

Submission #	Received from	Date	Subject
109	Penetanguishene P.B.	Feb.26	General comments, amendments
118	Windsor P.B.	Feb.27	Comments on municipal planning, Planning Act
126	Stratford P.B.	Mar. 1	Parts of "Subject to Approval" recommended for adoption
128	Innisfil P.B.	Mar. 2	Amend sections 29, 31, 41, 42, 45
130	Scarborough P.B.	Mar. 3	Amendments to several sections
144	Shelburne P.B.	Mar.10	Time limit on approval of official plans
168	Paipoonge P.B.	Mar.19	Endorses and comments on Lakehead P.B. submission
192	London P.B.	Mar.25	General comments
199	Toronto P.B.	Mar.26) Apr.29) May 12)	Principles of legislation reform, recommendations for amendments, public participation
234	Brantford P.B.	Apr. 6	General process of planning

JOINT PLANNING BOARDS

28	Tiny Tay Peninsula P.B.	Jan.15) Mar.29)	Establishment of Planning Board to be mandatory
55	Geraldton & Suburban P.B.	Feb. 9	Retain statutory recognition of planning boards in small municipalities
60	Quinte P.B.	Feb.10	General comments: effectiveness of and changes to Act
65	Prescott & Suburban P.B.	Feb.12	Amendments to official plan regulations and length of time for processing
86	Central Wellington P.B.	Feb.23	Redefinition of plans, roles and responsibilities; comments on procedures
123	Bruce Peninsula P.B.	Feb.27	Amendments to C. of A. and L.D.C. regulations; subdivision regulations
133	Guelph & Suburban P.B.	Mar. 4) Mar.30)	General comments, effectiveness of Act

JOINT PLANNING BOARDS (CONT'D.)

Submission #	Received from	Date	Subject
157	Sault Ste. Marie & Area P.B.	Mar.12	General comments
169	Lakehead P.B.	Mar.19	Municipalities should process their own planning and development activities
253	Campbellford-Seymour P.B.	Apr.15	General comments

LAND DIVISION COMMITTEES

12	Ottawa-Carleton LDC	Dec.15	Amend section 29, 42
39	Essex County LDC	Jan.27	Amend section 42(4,11)
72	Renfrew County LDC	Feb.17	Amend section 29(6)
84	Peel LDC	Feb.20	Comments re severances, procedures
85	Northumberland County LDC	Feb.23	Comments re severances, procedures
96	Prescott & Russell LDC	Feb.25	General comments re official plans; specific re severances
113	Halton LDC	Feb.26	Amend section 41, 42
124	Haliburton LDC	Feb.27	Amend section 42
163	Simcoe County LDC	Mar.17	Land Division Committees

COMMITTEES OF ADJUSTMENT

6	Mornington Town C/A	Dec. 5	Shorten appeal period
15	Oro Township C/A	Dec.19	Rules of procedure and related legislation for C. of A's and LDC's
24	London C/A	Jan. 7	Amend section 29, 41, 42
33	Guelph C/A	Jan.19	Amend sections 29(2), 42(1) and (13)
37	Richmond Hill C/A	Jan.22	Role and function of C/A
44	Kingston C/A	Jan.30	Amend section 42(20)
59	Scarborough C/A	Feb.10	Amend section 42(1),(4) and (6)

COMMITTEES OF ADJUSTMENT (CONT'D.)

Submission #	Received from	Date	Subject
76	Thunder Bay C/A	Feb.18	General comments
78	Belleville C/A	Feb.19	Approval authority for rezoning and subdivisions to municipal councils
99	Brantford C/A	Feb.25	Amend sections 29 and 42
131	Milton C/A	Mar. 3	C/A Fees
148	Waterloo C/A	Mar.11	Amend Section 42(11)
160	Sarnia Twp. C/A	Mar.15	General comments
230	Aurora Town C/A	Apr. 5	Oral presentation: general
231	York C/A	Apr. 5	General comments
238	Toronto C/A	Apr. 7	General comments

CONSERVATION AUTHORITIES

139	Niagara Peninsula C.A.	Mar. 8	General policies of authority
142	Maitland Valley C.A.	Mar. 9	Effectiveness of strict zoning regulations
181	Saugeen Valley C.A.	Mar.23	Restricted area by-laws
188	Nottawasaga Valley C.A.	Mar.24	Zoning, subdivision control
205	Grand River C.A.	Mar.29	General comments
210	Essex Region C.A.	Mar.30	Concerns and objectives
232	Metro Toronto & Region C.A.	Apr. 6	General comments
235	South Lake Simcoe C.A.	Apr. 7	General comments
240	Credit Valley C.A.	Apr. 9	General comments
245	Mattagami Region C.A.	Apr.12	General comments
262	Halton Region C.A.	Apr.21	Section 33(4) (g)
263	Hamilton Region C.A.	Apr.21	General comments
264	Ganaraska Region C.A.	Apr.21	General comments

SCHOOL BOARDS & SEPARATE SCHOOL BOARDS

Submission #	Received from	Date	Subject
14	Peterborough-Victoria-Northumberland R.C.S.S.B.	Dec.18	Curtail high density development on the waterfront
18	Frontenac-Lennox and Addington R.C.S.S.B.	Dec.23	Development projects make land available for schools
20	East Parry Sound B. of Ed.	Dec.30	Amendments re land severance, subdivision approval
27	Sault Ste. Marie District R.C.S.S.B.	Jan.14	Representation of School Board on Planning Boards
29	Welland County R.C.C.S.B.	Jan.15	Present system suitable
30	Windsor B. of Ed.	Jan.15	Amendment to section 33(5) re dedication of land for school sites
35	Sault Ste. Marie B. of Ed.	Jan.21) Mar.30)	Oral and written submissions, representation of School Board on Planning Board
42	Lambton County S.S.B.	Jan.29	Amendment to section 33
43	Timmins B. of Ed.	Jan.30) Feb.19)	School Boards to be consulted, subdivision plans and action be taken on objections; land availability
47	Hearst B. of Ed.	Feb. 3	School Boards to be consulted before subdivision plans drafted
52	Stormont, Dundas and Glengarry R.C.S.S.B.	Feb. 6	Retain section 33(3) of Act and revise section 4
54	Norfolk B. of Ed.	Feb. 9	Representation of School Board on planning board; more power to planning board
64	Victoria County B. of Ed.	Feb.12	Lack of liaison between Boards of Education and municipalities
77	Oxford County S.S.B.	Feb.18	Good housing conditions to ensure good education
88	Carleton B. of Ed.	Feb.23) Mar.11)	General comments; School Board to be consulted on subdivision plans
89	York Borough B. of Ed.	Feb.23	Amend section 33(5); appointment of School Board representative to planning board
94	Kent County B. of Ed.	Feb.24	Amend section 33
95	Simcoe County B. of Ed.	Feb.24	Purchase of school sites in advance of need

SCHOOL BOARDS AND SEPARATE SCHOOL BOARDS (CONT'D.)

Submission #	Received from	Date	Subject
97	Durham B. of Ed.	Feb.25	Amend section 29, circulation to School Boards of draft plan
98	Ottawa B. of Ed.	Feb.25	5% dedication for school sites
110	Etobicoke B. of Ed.	Feb.26	B. of Education comments on plans of subdivision to be submitted to planning board
111	Wentworth County B. of Ed.	Feb.26	General comments, suggested amendments
119	Grey County B. of Ed.	Feb.27	Circulate draft plans of subdivisions to School Boards before construction
120	Brant County B. of Ed.	Feb.27	Authority for School Boards to control land use regulations
121	Wellington County B. of Ed.	Feb.27	5% dedication for school sites
136	Sudbury District R.C.S.S.B.	Mar. 5	Adequacy of school sites
140	Scarborough B. of Ed.	Mar. 9	Comments and conclusions on Act
141	Carleton R.C.S.S.B.	Mar. 9	Comments on School Board planning
175	York Region R.C.S.S.B.	Mar.22	Schools and the Planning Act
179	Waterloo County B. of Ed.	Mar.23) June 25)	General comments
193	City of London B. of Ed.	Mar.25	Effective planning objectives
200	Bruce County B. of Ed.	Mar.26	Zoning by-laws and their relation to Boards of Education
201	Hamilton-Wentworth R.C.S.S.B.	Mar.26	Designation of land for school sites
203	Metro Toronto S.S.B.	Mar.29	Involvement of School Board in planning process
222	City of Toronto B. of Ed.	Apr. 1	Public works projects; escalation of land values; representation on planning board
233	York County B. of Ed.	Apr. 6	New school sites - cost
236	Lambton County B. of Ed.	Apr. 7	Planning development re development

SCHOOL BOARDS AND SEPARATE SCHOOL BOARDS (CONT'D.)

Submission #	Received from	Date	Subject
280	Elgin County B. of Ed.	May 19	Supports York B. of Ed. brief
287	North York B. of Ed.	May 28	General comments
291	Niagara South B. of Ed.	June 10	Present process sufficient
292	Fort Frances - Rainy River	June 10	Supports York B. of Ed. brief
293	Kent County R.C.S.S.B.	June 16	Supports York B. of Ed. brief
295	Huron County B. of Ed.	June 24	Supports York B. of Ed. brief
300	Northumberland and Newcastle B. of Ed.	July 20	Supports Carleton B. of Ed. submission
302	Lanark County B. of Ed.	July 22	Supports York B. of Ed. brief
303	Lennox and Addington County B. of Ed.	July 28	Supports Carleton B. of Ed. submission
307	Perth County B. of Ed.	Aug.18	Supports Carleton B. of Ed. submission
308	Dufferin County B. of Ed.	Aug.19	Supports York County B. of Ed. submission

DEVELOPMENT /REAL ESTATE INDUSTRY

49	Harvey Realities Ltd.	Feb. 4	Amend sections 29(2) and 42(2)
101	Chatham Builders Assoc.	Feb.25	Municipal Planning in Ontario
129	Brantford and Brant Co. Homebuilders Association	Mar. 2	Subdivision approval process as it affects builders
132	Shenkman Corporation Ottawa	Mar. 3	Amend sections 29, 33 and 35
137	HUDAC/Brockville District	Mar. 8	General comments re municipal planning, official plans, etc.
146	U.D.I. and CIPREC	Mar.10	Recommendations on improved development process
149	H.U.D.A.C./Ontario	Mar.11	Amendments to Planning Act
150	Toronto Home Builders Association	Mar.11	Amend sections 33, 35

DEVELOPMENTS/REAL ESTATE INDUSTRY (CONT'D.)

Submission #	Received from	Date	Subject
151	Ontario Real Estate Association	Mar.11	Current planning problems
167	Victoria Wood Development Corporation	Mar.18	General comments
297	Marathon Realty	June 25	General comments

PROFESSIONS

1	Atlin, Coldenberg Barristers	Oct. 1	Section 44(1)
4	Welland City Law Assoc.	Nov.13	Section 29
5	Aitken & Christensen Barristers	Nov.21	Amendments re procedures from reference plans
10	Freeman: Barrister	Dec.11	Amendments re consents
25	Storry: Barrister	Jan. 8	Section 29(4)
34	Bentley: Barrister	Jan.19	Section 29 (5e)
71	Rowe: Barrister	Feb.16	Amendments to sections 35(1); 36; 37.
102	Graham OLS	Feb.25	General comments
103	Forberg: APEO	Feb.25	Amendments to subdivision regulations
108	Kent Law Assoc.	Feb.26	Omit monumentation from reference plans
115	Tett: Architect	Feb.27	New concepts in Planning
125	Robertson: OLS	Mar.	Amendments to development control, zoning, O.P.'s
143	A.O.L.S.	Mar. 10	General comments re official plans zoning, committee of adjustment.
147	Couse: P. Eng.	Mar.11	General comments
153	Cass: Barrister	Mar.12	Amendments re part lot control
155	A.O.L. Econ.	Mar.12	General comments
172	Leaning: Architect	Mar.20	Public Pariticipation and Public and Planning Board hearings

PROFESSIONS (CONT'D.)

Submission #	Received from	Date	Subject
191	Derkowski & Assocs: Town Planners, Land Econs.	Mar.25	Institutional context: training perceptions etc. of people implementing legislation
229	Grove: Planner	Apr. 5	Better understanding and procedures at provincial and municipal level
237	Mumm: Planner	Apr. 7	Comments re issue papers
241	Bousfield Associates	Apr. 9	Comments re issue papers
242	Armstrong: Planner	Apr.10	General comments
249	C.I.P. - Southwest Ontario	Apr.13	General comments
251	Strathy Archibald: Barristers	Apr.14	General comments
252	Truemner: Planner	Apr.14	General comments
260	C.I.P. - Central Ontario	Apr.21	General comments
261	Ontario Assoc. of Architects	Apr.21	General comments
265	Fliess: Architect	Apr.22	General comments
267	Toronto Architects Planning Evaluation Comm.	Apr.27	General comments
268	Institute of Transport- ation Engineers	Apr.27	General comments
270	Sunderland, Preston: Planners	Apr.30	General comments
278	Ontario Assoc. of Landscape Architects	May 10	Landscape architecture as an integral part of planning
288	W. Thomson, Planner	June 1	General comments
298	Niebler: Barrister	June 29	Section 29
305	Carrell, Pustina: Barristers	Aug. 3	General comments
306	Fallis & Fallis: Barristers	Aug.17	Section 29(2)(a)
309	Rodd: University of Guelph	Sept.27	Agricultural & Rural land crisis

RURAL INTERESTS

Submission #	Received from	Date	Subject
17	Assoc. of Unorganized Communities/Northwestern Ontario	Dec.20	Planning unorganized territories
32	Ontario Federation of Agriculture Ottawa-Carleton	Jan.16	Amend section 35
41	Ontario Federation of Agriculture	Jan.28) April)	Niagara Escarpment Planning and Development Act
156	Elgin County Federation of Agriculture	Mar.12	Zoning, freezing by-laws etc.
158	Farm Credit Corps	Mar.13	Policy Statement
207	Halton Fed. of Agriculture	Mar.30	Preservation of foodland
208	Grey County Federation of Agriculture	Mar.30	Preservation of farmland
239	Wellington Federation of Agriculture	Apr. 8	Philosophy & purpose of planning
243	Association of Unorganised Communities/ Northeast Ontario	Apr.12	Planning in unorganized communities
244	Waterloo Federation of Agriculture	Apr.12	General comments
250	Middlesex Federation of Agriculture	Apr.14	General comments
272	Conservation Council of Ontario	Apr.30	General comments

MUNICIPAL ASSOCIATIONS

3	Ontario Municipal Electric Association	Oct.21	Amendment to Section 29(2)
152	Association of Counties & Regions of Ontario	Mar.11) Mar.17) May 3)	General comments, proposed changes; endorsed by Regional Municipality of Waterloo
182	Provincial (Ont) Ass'n of Committees of Adjustment & Land Division Committees	Mar.23) Mar.31)	General comments
256	Municipal Engineers Assoc.	Apr.20	General comments

MUNICIPAL ASSOCIATIONS (CONT'D.)

Submission #	Received from	Date	Subject
266	Association of Municipalities of Ontario	Apr.23	General comments
284	Association of Municipal Clerks & Treasurers of Ontario	May 26	General comments

MISCELLANEOUS ASSOCIATIONS

22	Inter-Church Regional Planning Association	Jan.	Planning related to the church
162	Ontario Welfare Council	Mar.16) Apr.30)	Social planning: its role in physical planning
211	Association of Women Electors (Metro)	Mar.30	Social planning objectives
218	Aggregate Producers Association/Ontario	Mar.31	Non-metallic mineral resource policy
246	Ontario Mineral Aggregate Working Party	Apr.13	General comments
271	Toronto Board of Trade	Apr.30	General comments
276	Ontario Association for the Mentally Retarded	May 6) May 18)	Locating neighbourhood facilities for the retarded; written material and oral presentation
279	Toronto Redevelopment Advisory Council	May 17	General comments
285	Foundation for Aggregate Studies	May 27	General comments
289	Ontario Natural Gas Association	June 2 .	Re Bill 62
290	Association of Women Electors/Kingston	June 4	General comments
301	Lakehead Social Planning Council	July 20	General comments

ACADEMIC INSTITUTIONS

182	University of Toronto: Urban and Community Studies	Mar.23	Planning authority in a two-tier government
198	University of Toronto: Law	Mar.25)) Mar.26)	Development control; special levies; role of OMB Section 29 provisions and problems

ACADEMIC INSTITUTIONS (CONT'D.)

Submission #	Received from	Date	Subject
206	Queens:Urban & Regional Planning	Mar.29	General comments
259	Ryerson: Urban Planning	Apr.20	General comments

MEMBERS OF LEGISLATIVE ASSEMBLY

189	M. Cassidy: MPP Ottawa Centre	Mar.24	General comments
275	Hon. T. L. Wells: MPP Scarborough North	May 5	General comments

INDIVIDUALS

2	J. Quick, London	Oct. 8	General comments
7	R. Stanley, Ripley	Dec. 5	Amendments to severance regulations
26	W. Mallory, Barrie	Jan.13	Hazard land zoning and planning generally
40	W. Parish, Ajax	Jan.28	Notification to cottage owners of land severance
68	J. Nixon, Barrie	Feb.13	Comments on O.P.'s and zoning
87	R. Pinkney, Georgetown	Feb.23	Amendments re severances
112	J. Norton, Corunna	Feb.26	Amendments to Planning Boards
122	L. James, Markham	Feb.27	Development Control
161	L. Miller, Kingston	Mar.16	Ontario Heritage Act comments
173	J. Anderson, Stratford	Mar.21	General comments
174	R. Cloutier, Etobicoke	Mar.22	Official Plan and Zoning By-law
176	J. Sampson, Kingston	Mar.23	Discriminatory conditions for developers
177	R. Birch, Richmond Hill	Mar.23	Methods and Procedures: subdivisions
178	H. E. Johnson, Ottawa	Mar.23	General comments
214	L. High, Jordan Station	Mar.31	General comments

INDIVIDUALS (CONT'D.)

Submission #	Received from	Date	Subject
228	D. Wilson, Oshawa	Apr. 5	Sections 33, 35
258	R. Hunter, Ottawa	Apr.20	General comments
273	R. Yamashita, Toronto	Apr.30	General comments
274	S. B. McLaughlin, Mississauga	May 3	Time limits, levies, etc.
282	S. McKay, Thunder Bay	May 21	General comments
283	M. Warder, Lion's Head	May 26	General comments
294	J. W. Spooner, Timmins	June 17	Decision making, procedures and administration





